

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, 09 March 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 Denson Freeman, Jr., Rector of St. James Episcopal Church, and the Pledge of Allegiance was recited. Councilmember Brown moved to approve minutes of the 23 February 2017, regular meeting; minutes of the 23 February 2017, work session; minutes of the 23 February 2017, agenda meeting; and minutes of the 27 February 2017, special called meeting. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Mayor Wilson addressed the City Council and stated she was looking forward to this weekend with the “Opening” of the Manley Road Soccer Complex. Mayor Wilson also said she is looking for opportunities to partner with the City Council with a more positive relationship to move the City forward.

Councilmember Boone moved to amend the agenda by removing Agenda Items Number 12 and Number 13; and moving Public Participation ahead of the Executive Session. Seconded by Councilmember Brown, motions passed unanimously by voice vote.

The following individual spoke during Public Participation on Agenda Items:

- 1) Kellie Eady, Chariot Avenue, addressed the City Council on Agenda Item Number 5: an Ordinance authorizing the Issuance of the Fairhope Airport Authority’s Improvement Refunding Bond, Series 2017. Ms. Eady commented she did not understand the verbiage from the agenda and requested an explanation. Council President Burrell explained this is to refinance the Airport Authority’s debt and for the City to secure the debt. He also stated if the repayment is over the \$320,000.00 City’s appropriation, the Airport Authority would have to pay the overage.

Councilmember Robinson apologized for being late and missing the Work Session and the Agenda Meeting. He also announced the soccer fields grand opening; but said it is also the opening day for youth baseball and girls’ softball.

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Councilmember Robinson stated everyone is asking for more civility between the administration; and he asked for more civility from the citizens. He requested them to bring issues to the Mayor and the Councilmembers; and said he will always be reasonable, but he may differ. He commented we need to move forward for the City.

Councilmember Conyers stated he echoed the comments of Councilmember Robinson. He reminded everyone of the Arts and Crafts Festival; FEEF's Black Box Theatre; and the Spring Fever Chase.

Councilmember Brown mentioned the grand opening of the Manley Road Soccer Complex; and thanked Recreation Director Tom Kuhl and City staff for getting the complex ready for this event. He thanked the Fairhope Single Tax Corporation for their partnership with the City. He also mentioned the Arts and Crafts Festival coming up this weekend too. Councilmember Brown read an e-mail from the Baldwin County Board of Education's Curriculum Director regarding the Guiding Reading Program; and commented that J. Larry Newton School and Fairhope Elementary School will be featured in a Scholastic Education video relating to this reading program.

Councilmember Boone stated that the Fairhope Arts and Crafts Festival is his favorite and invited everyone out for this event.

Council President Burrell said that Fairhope Arts and Crafts Festival is his favorite time of the year.

Councilmember Boone introduced in writing Ordinance No. 1590, an ordinance to authorize the Issuance of the Fairhope Airport Authority's Improvement Refunding Bond, Series 2017; and authorizing Mayor Karin Wilson, the City Treasurer or any other officer of the City to execute, seal, attest and deliver on behalf of the City: the Funding Agreement, an Option Agreement, etc. as may be necessary and appropriate in connection with sale by the Authority of the Series 2017 Bond. In order to take immediate action, Councilmember Boone moved for immediate consideration. Seconded by Councilmember Conyers, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY - None. Josh Myrick, Attorney for the Airport Authority, addressed the City Council and explained this ordinance is to refinance the 2010 Bond with a fixed interest rate structure. He stated that the Bond Attorney Thomas Longino required attorney opinion letters. Council President Burrell said that if closed by the end of the month the interest rate would be 2.18 percent fixed rate. Councilmember Boone then moved for final adoption of Ordinance No. 1590. Seconded by Councilmember Brown, motion for final adoption passed by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY - None.

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Councilmember Brown introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the Submission of an FY2018 Coastal Planning Grant to the Alabama Department of Conservation and Natural Resources to develop a community education and outreach plan regarding non-point source pollution to help protect the City's watersheds; and authorizing Mayor Karin Wilson to sign all required grant application documents on behalf of the City. This is a 50/50 match with a total project cost estimate of \$40,000.00 (City match with be \$20,000.00 in "in-kind" contributions). Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

RESOLUTION NO. 2691-17

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO
THE ALABAMA DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES**


WHEREAS, there is a need for the City of Fairhope to develop a community education and outreach plan regarding non-point source pollution to help protect the City's watersheds; and

WHEREAS, there is grant funding available for said community activity through the FY 2018 Coastal Planning Grant Funds administered by the Alabama Department of Conservation and Natural Resources (ADCNR); and

WHEREAS, the total project cost estimate is \$40,000, and the grant request will be \$20,000 with the City contributing a 50% match (\$20,000) in "in-kind" contributions;

THEREFORE, BE IT RESOLVED BY THE City of Fairhope, IN REGULAR SESSION ASSEMBLED, that by this Resolution the City of Fairhope authorizes submission of an FY 2018 Coastal Planning Grant Application to ADCNR requesting \$20,000 in grant funds and authorizes the Mayor to sign the required grant application on behalf of the City.

DONE, under the Seal of the City of Fairhope this 9th day of March, 2017.



Karin Wilson, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

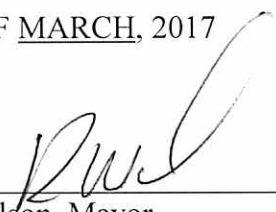
09 March 2017

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council approves the selection of Volkert, Inc. for Professional Engineering Services for ALDOT Project BP-002-282-011 (Const.) ATPAA-018(504), (Utility) SR-181, Additional Lanes from SR-104 to CR-64 Baldwin County; and hereby authorizes Mayor Karin Wilson to negotiate the fee schedule and sign all necessary and appropriate documents required by ALDOT for this project. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2692-17

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council approves the selection of Volkert, Inc. for Professional Engineering Services for ALDOT Project BP-002-282-011 (Const.) ATPAA-018(504), (Utility) SR-181, Additional Lanes from SR-104 to CR-64 Baldwin County; and hereby authorizes Mayor Karin Wilson to negotiate the fee schedule and sign all necessary and appropriate documents required by ALDOT for this project.

DULY ADOPTED THIS 9TH DAY OF MARCH, 2017



Karin Wilson, Mayor

Attest:



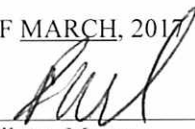
Lisa A. Hanks, MMC
City Clerk

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Karin Wilson is hereby authorized to execute a contract with Goodwyn Mills Cawood, Inc. to provide Engineer of Record services for RFQ No. PS013-17, Professional Engineering Capacity Study for Gas, Water and Sewer Utilities – Phase I, with a not to exceed \$40,000.00. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

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RESOLUTION NO. 2693-17

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Karin Wilson is hereby authorized to execute a contract with Goodwyn Mills Cawood, Inc. to provide Engineer of Record services for RFQ No. PS013-17, Professional Engineering Capacity Study for Gas, Water and Sewer Utilities – Phase I, with a not to exceed \$40,000.00.

DULY ADOPTED THIS 9TH DAY OF MARCH, 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 in order to release any rights it has in those Utility Easements shown on the plat of BELLA FORESTA, recorded at Slide 2305-E, Baldwin County, Alabama, as being on either side of the streets or alleys were the subject of that certain Declaration of Vacation recorded at Instrument 1511790, be declared surplus as referenced and attached as “Exhibit A,”; and that Mayor Karin Wilson is hereby authorized to execute a Quit Claim Deed from the City of Fairhope to (1) unto Paragon Development Group, LLC and (2) unto Ward Management, LLC for the aforementioned Utility Easements. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

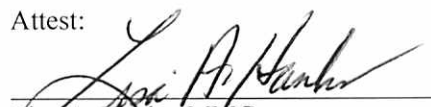
RESOLUTION NO. 2694-17

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that the City of Fairhope, an Alabama municipal corporation, in order to release any rights it has in those Utility Easements shown on the plat of BELLA FORESTA, recorded at Slide 2305-E, Baldwin County, Alabama, as being on either side of the streets or alleys were the subject of that certain Declaration of Vacation recorded at Instrument 1511790, be declared surplus as referenced and attached as “Exhibit A,”; and that Mayor Karin Wilson is hereby authorized to execute a Quit Claim Deed from the City of Fairhope to (1) unto Paragon Development Group, LLC and (2) unto Ward Management, LLC for the aforementioned Utility Easements.

Adopted on this 9th day of March, 2017

 Karin Wilson, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

09 March 2017

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Karin Wilson is hereby authorized to execute a Temporary Construction and Access Easement between the City of Fairhope, a municipal corporation, and Citizens Bank, a corporation, for purposes incidental to the City's sidewalk and drainage improvement project in, upon, over, under, and across that certain real property described in the easement. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 2695-17

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor Karin Wilson is hereby authorized to execute a Temporary Construction and Access Easement between the City of Fairhope, a municipal corporation, and Citizens Bank, a corporation, for purposes incidental to the City's sidewalk and drainage improvement project in, upon, over, under, and across that certain real property described in the easement.

Adopted on this 9th day of March, 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 accepting the public streets, public right-of-ways, and all of Fairhope's public utilities located in public right-of-ways within Nature Trail, Phase Two for maintenance and to authorize Mayor Karin Wilson to execute the Maintenance and Guaranty Agreement between the City of Fairhope and Smart Living, LLC. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

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09 March 2017

RESOLUTION NO. 2696-17

WHEREAS, the Owners of Natures Trail, Phase Two 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 2583-A and 2583-B, 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 Natures Trail, Phase Two, 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 Natures Trail, Phase Two are hereby accepted for public maintenance subject to the bond posted; and authorizes Mayor Karin Wilson to execute the Maintenance and Guaranty Agreement between the City of Fairhope and Smart Living, LLC (the "Subdivider").

BE IT FURTHER RESOLVED this resolution of acceptance shall not obligate the City of Fairhope to maintain any utility or drainage facilities outside the limits of the right-of-way of the public streets, whether or not such may be located within dedicated easements in any of these developments.

Adopted, this 9th day of March, 2017



Karin Wilson, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

09 March 2017

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution That the City of Fairhope accepts and approves the proposed name of "Gulley Lane" pursuant to the City's Road Name/Change Petition at the request of Julie Wilkins (owner of Lot 7 on the unnamed road off Maple Street). Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 2697-17

WHEREAS, pursuant to the City of Fairhope's Road Name/Change Policy adopted on June 22, 2009 to help with road name selection and changing all or a portion of a road, Julie Wilkins (owner of Lot 7) has petitioned the City of Fairhope to request the currently unnamed road off Maple Street, consisting of 7 home site lots in Fairhope, to be named "Gulley Lane" or with the alternate name of "Sunken Lane".

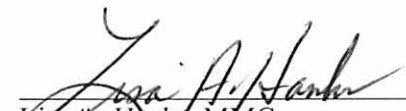
NOW BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope accepts and approves the proposed name of "Gulley Lane" pursuant to the City's Road Name/Change Petition at the request of Julie Wilkins (owner of Lot 7 on the unnamed road off Maple Street).

DULY ADOPTED THIS 9TH DAY OF MARCH, 2017



 Karin Wilson, Mayor

Attest:



 Lisa A. Hanks, MMC
 City Clerk

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Karin Wilson is hereby authorized to execute the Agreement with the Baldwin County Board of Education regarding the City's donation of \$342,089.00 to the Board for use by the five schools in Fairhope; and used strictly in conformance with the "Approved List" recommended by Fairhope Education Advisory Committee. The motion was seconded by Councilmember Boone. Councilmember Brown explained the recommended list from the Education Advisory Committee ("EAC"). He stated that the EAC met with all of the principals regarding the list; and it has been approved by the Baldwin County Board of Education. Council President Burrell questioned if the list is in agreement with the Akribos Study. Councilmember Brown replied that the recommended list is in line with the Study. After discussion, motion passed unanimously by voice vote.

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RESOLUTION NO. 2698-17

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Karin Wilson is hereby authorized to execute the Agreement with the Baldwin County Board of Education regarding the City's donation of \$342,089.00 to the Board for use in the following schools: Fairhope Elementary, Fairhope Intermediate, Fairhope Middle, Fairhope High and J. Larry Newton. The donated funds are to be used strictly in conformance with the Fairhope Education Advisory Committee's "Approved List" which is attached to the Agreement as "Addendum A"; and with the Agreement.

ADOPTED ON THIS 9TH DAY OF MARCH, 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 Governing Body hereby expressly excludes from the hiring freeze and authorizes filling the following position: Authorized full time City Planner. Seconded by Councilmember Conyers, motion passed unanimously by voice vote. Council President Burrell stated this was an oversight during the initial hiring freeze.

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RESOLUTION NO. 2699-17

WHEREAS, the City Council adopted Resolution No. 2690-17 which placed a temporary hiring freeze on authorized positions, open, unaccepted or vacated as of February 27, 2017; and

WHEREAS, the Governing Body expressly excluded from the hiring freeze the authorized full time Police Officer, authorized full time Building Inspector, and authorized part time and seasonal workers; and

WHEREAS, the Governing Body needs to add one additional position to the exclusions for an Authorized full time City Planner.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, the Governing Body hereby expressly excludes from the hiring freeze and authorizes filling the following position: Authorized full time City Planner.

Adopted on this 9th day of March, 2017



Karin Wilson, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Conyers moved to grant the request of Casi Callaway, Mobile Baykeeper, requesting permission to block streets and use Park on South end of Pier, North Beach Road, Bayfront Park (pier), and Fountain area for the 2017 Publix Grandman Triathlon on June 3, 2017 (On June 2nd close rose garden no later than 6:00 p.m. and on June 3rd close road entering North Bayfront Park from 5:00 a.m. until the last racer finishes); use of barricades; and permission to serve beer on South Beach Park with all appropriate security after the race pending ABC approval and City's alcoholic beverage application approval. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Brown moved to authorize payment of Hand Arendall Invoices from November and December which total \$20,010.10. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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Council President Burrell stated that the City Council will vote on the Airport Authority appointments one at a time; and these would be handled beginning with the replacement of Tom Scheck and then the other two. Councilmember Burrell stated that Tom Scheck had resigned and the Airport Authority adopted a motion for the Mayor to reappoint Pam Caudill and Vince Booth. He said all nominations from Mayor Wilson are experienced and have great backgrounds.

Mayor Wilson commented we need fresh eyes and read the backgrounds of her nominees. She said the Mayor nominates and the City Council approves. Mayor Wilson commented she appreciates the ones who have served; and has chosen three to fill the positions. She said we have a huge debt to take care of; and these are exemplary applicants. Council President Burrell stated the Airport Authority is highly respected throughout the State for their work with the Airport and for Fairhope.

Councilmember Conyers stated he called all three applicants who are highly qualified and suggested a possible compromise. He said the volunteers have suffered; and suggested approving two of the Mayor's nominations and for one to remain. Councilmember Robinson stated we have five who want to serve; and this is a difficult thing to do. Mayor Wilson said this is her decision and will bring up more nominations if these are not approved. Council President Burrell replied this is a City Council decision and we vote for the applicants.

Councilmember Boone moved to appoint William Bruce to Fairhope Airport Authority for a six-year term ending March 2023. Seconded by Councilmember Brown, motion passed by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY – None.

Councilmember Conyers moved to appoint Kristine Kiernan to Fairhope Airport Authority for a six-year term ending March 2023. Seconded by Councilmember Robinson, motion failed by the following voice votes: AYE – Conyers and Robinson. NAY – Burrell, Brown, and Boone.

Councilmember Brown moved to appoint Blake Waller to Fairhope Airport Authority for a six-year term ending March 2023. Seconded by Councilmember Conyers, motion failed by the following voice votes: AYE – Conyers and Brown. NAY – Burrell, Robinson, and Boone.

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09 March 2017

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

- 1) Charlotte Bouzigard, 755 Michigan Avenue, addressed the City Council and stated this is a new administration and we should go with the best qualified. We need to do what is best for the City. Ms. Bouzigard mentioned an AL. Com article regarding 2011 dealing with who hires, fires, and disciplines employees. Council President Burrell commented the City Council has not hired anyone and has not fired anyone; and said that other positions could be appointed by the City Council.

She brought up Ray Hix and his business. Councilmember Conyers said that Mr. Hix is a great person and will pay the City money to have hangar which will end up being the City's. Councilmember Robinson once again asked for civility and to not call out names and slander citizens.

- 2) Anne Nix, citizen of Fairhope, addressed the City Council and said she appreciates what the City Council has been doing. Ms. Nix brought up that she had heard that the "City Seal" may be changed; and that on the newsletter are the James P. Nix Center, the "City Seal" has been removed.
- 3) Linda (last name unknown), citizen of Fairhope for 50 years, addressed the City Council and thanked them for the suggested compromise; and then asked when are you going to compromise.
- 4) Reverend Larry Williams, Middle Street, addressed the City Council and said the Mayor is Chief Executive twenty-four hours a day. He said we need to love Fairhope; and commented the Mayor needs to be the Mayor and the Council needs to be the Council.
- 5) Jay Harlan, 410 Wisteria Street, addressed the City Council and said Mayor Wilson was elected for change; and now the "CEO" has a hiring freeze. She commented that some of the Council were elected for change.
- 6) Ron Allen, 6612 Willow Bridge Drive, addressed the City Council and commented we have three new Councilmembers, two incumbent Councilmembers, and one newly elected Mayor. He stated all were elected by the same citizens. Mr. Allen said in
- 7) Nancy Jennings, citizen of Fairhope for 55 years, addressed the City Council and said she loves this Town; and does not like it being in a fight. She said we need a bigger effort to get along. Ms. Jennings requested the credentials for the two members still on the Airport Authority. Council President Burrell said Pam Caudill's qualifications are immense asked Ms. Caudill if she would get with Ms. Jennings regarding same.
- 8) Sonja Bennett, Magnolia Avenue, addressed the City Council and said that Fairhope needs to be unified. Ms. Bennett said she was tired of the bickering and fighting.

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- 9) Unknown Citizen requested that the resumes and applications of all five nominations be posted. Council President Burrell reiterated the City Council has the authority to vote. Mayor Wilson stated I make the nominations.
- 10) Johnny Chaney, citizen of Fairhope, addressed the City Council and recommended a solution by alternating all five of the nominations.
- 11) John Manelos, 104 White Avenue, addressed the City Council and told the story about his trash not being picked up. Mr. Manelos said he called the City and they came out that day; and then, he was called by the Supervisor to make sure everything was handled. Mr. Manelos stated these employees are not protected by the Civil Service. He said experience is good and this is an “at will” State; but continuity is what made this City great. He said the two employees who were let go gave the City years of service and are well respected by this Community.

Mr. Manelos stated that Pam Caudill is a retired Federal Agent who retired with honors and whose integrity has been impugned. He also said that Council President Burrell’s integrity has been impugned; and said employees are concerned about their jobs.

- 12) Bobby Green, Maple Street, addressed the City Council and said the Mayor offered you an olive branch and Councilmember Conyers accepted it. He said three appointment were brought to the Council and two were rejected with no compromise. Council President Burrell stated we have a legal right to accept or to reject. Mr. Green suggested Council President Burrell could have suggested one of the members to step down.
- 13) Tony Pritchett, Trentino Viale, addressed the City Council and commented to Council President Burrell; “you made the decisions and should have recused yourself”. He said this is not non-political; and said “you should not be on the Authority and the City Council.” Council President Burrell replied that the State Statute gives that authority. City Attorney Wynne said State Law reads it will be run by a Board of Directors; and one member of the City Council will be on the Board. He said this is a separate public corporation that operates the Airport.

Councilmember Robinson commented Councilmember Conyers was right regarding a compromise; he voted for one and not for one.

Reverend Williams asked City Attorney Wynne, for the record, should Council President Burrell have recused himself from the vote. City Attorney Wynne responded, “as a City Councilmember he has a duty; and as a member of the Airport Authority he has a duty.”

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At the request of the City Attorney, Marion E. Wynne, the City Council will rise from the meeting to go into Executive Session based on Section 36-25A-7(a)(3) to discuss pending and potential litigation. The approximate time to be in Executive Session is 30 minutes. Councilmember Robinson moved to go into Executive Session. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

Exited the dais at 7:38 p.m. Returned at 8:36 p.m.

Councilmember Brown 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 8:37 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk