

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, 23 October 2017.

Present were Council President Jack Burrell, Councilmembers: Jay Robinson, Jimmy Conyers, Robert Brown, and Kevin Boone, Mayor Karin Wilson (arrived at 6:20 p.m.), 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 Robinson moved to approve minutes of the 09 October 2017, regular meeting; minutes of the 09 October 2017, work session; and minutes of the 09 October 2017, agenda meeting. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

Lynn Maser, on behalf of Mayor Wilson, addressed the City Council regarding the following items:

- 1) Fairhope High School Band was recognized for winning every award in its class during The Heart of Dixie Band Competition: Best in Class Drum Majors, Best in Class Percussion, Best in Class Color Guard, Best in Class Band, and earned the highest composite score and secured the Grand Champion award. This March they have been invited to represent Fairhope at Universal Studios in Orlando, Florida.
- 2) The Moratorium Report is out, and the Mayor will post it on her blog this week. Ms. Maser asked everyone to take time to read it and mentioned the sewer study, ordinance amendments, etc. She said one of the things being adopted immediately is recognition that our various departments actually function best when they function together.
- 3) Complaints continues to come to City Hall about the poor service being experienced by AT&T customers since they took their tower off the water tower. AT&T had been advised one year in advance that we had to paint the tower and were given plenty of notice to make arrangements to maintain their service levels to their customers.
- 4) Our Building Department is being crushed with commercial plans; and have 9 active construction sites downtown before Christmas and with more coming after Christmas. The Building Department will be working with the contractors to relieve any resulting congestion as possible.
- 5) The past weekend we had 138 teams in a soccer tournament. Despite the inclement weather, the tournament was a huge success. Recreation Director Tom Kuhl was told how happy the parents and coaches were because Fairhope had a plan for any eventuality.

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- 6) Fairhope is all about entrepreneurship; we were founded on it and we foster it. Mayor Wilson will be attending the Mayor's Conference on Entrepreneurship in Oakland, CA, October 25, 2017 through October 27, 2-17. It is presented by the Kaufmann Foundation which covers the participants' costs 100%.
- 7) Joseph Tarabella was presented a Certificate of Achievement: "In special recognition of the community service to the Eastern Shore Art Center in which you designed and built twelve new easels for use by the artists and in the various classes offered to the community there; to achieve the Eagle Scout Award and the outstanding qualities you have shown in the achievement thereof. We commend your dedication, attention to detail and hard work; and deem it an honor and privilege to present you with this Certificate of Achievement. On behalf of the City of Fairhope, we are pleased to commend you for your fine efforts and extend this token of admiration with which you are regarded in our City. Best wishes in your future endeavors; you are sure to succeed."

Council President Burrell stated there was a need to add on two agenda items one after Agenda Item Number 18 and one after Public Participation, Agenda Item Number 19: a Resolution the City of Fairhope hereby states its support for Mobile Bay Keeper's sampling plan to identify the source of the elevated bacteria levels in Fly Creek and Mobile Bay and to help Fairhope obtain the tools to resolve the issue. Further, the City Council authorizes the payment of up to \$6,500.00 to pay the estimated cost of the study in cash or in-kind services; and an Executive Session to Discuss Pending Litigation and Possible Settlement Options regarding said Pending Litigation.

Councilmember Brown moved to add on the above-mentioned items not on the printed agenda. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Conyers stated the FEEF event was successful, the Alabama Association of Regional Councils is here for three days, and Homecoming is Friday night so everyone come support our Team. He said the Eastern Shore Repertory Theatre will present Peter Pan on November 3, 2017 through November 5, 2017; and that Erin Langley made the 40 Under 40 in Mobile Bay Magazine.

Councilmember Brown commented that Team Subway was Best of the Bay; and said Happy Halloween to everyone.

Councilmember Boone said he reiterated Councilmember Conyers for everyone to get out and support the Fairhope Pirates Football Team.

Council President Burrell said he personally thanked Joseph Tarabella for obtaining the Eagle Scout Award.

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Building Official Erik Cortinas addressed the City Council regarding Battles Road and Section Street; and the building permits for Old Battles Place. He said the fifth Stop Work Order was issued today for erosion controls and water turbidity. Mr. Cortinas commented that water clarity is dependent on ADEM; and if ADEM suspends fines, how can we fine the developer. He said the culvert issues are with Baldwin County. Mr. Cortinas said the Erosion and Sediment Control Ordinance has been updated for better control.

Council President Burrell thanked all of the veterans for being here tonight. Jim Jeffries introduced all of the former Veterans of the Year and asked for them to stand. He gave a brief explanation of the criteria the Veteran of the Year must possess: exemplary record, continue to serve, and chosen by a peer group. Mr. Jeffries announced Jerry Cherne (American Legion Post 199 and Veterans of Foreign Wars Post 5660, Fairhope, Alabama) the City of Fairhope's 2017 Veteran of the Year. This prestigious honor is awarded for his distinguished military service and continuing service to veterans and the community. Mr. Cherne is also the 2017 Marine of The Year, Marine Corps League, Department of Alabama. Ms. Jeffries said that Mr. Cherne was also a "Mustang" in the Marine Corps.

Mr. Cherne thanked Mayor Wilson and the City Council for having this award and the Veterans Day Parade. He said his role models were fellow past Veterans of the Year. He also thanked his wife for all of her support. Mr. Cherne said the Marine Corps League is a team effort. Then, he said "Semper Fi – Oorah."

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Conyers introduced in writing an ordinance to rezone the property of CDA, LLC and Carrigan Properties, LLC from R-1 Low Density Single Family Residential District and R-4 High Density Multi-Family Residential District to PUD (Planned Unit Development). This property is located at 806 and 812 N. Greeno Road, Fairhope, Alabama. Tax Parcels: 05-46-03-39-0-001-001.001 and 05-46-03-39-0-001-009.000. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance.

Planning Director Wayne Dyess briefly explained the proposed ordinance. He mentioned the proposal does not meet the Comprehensive Plan, but the Planning Commission gave a favorable recommendation. Larry Smith, on behalf of the owner and developer, addressed the City Council and mentioned the increased buffer and conceptual landscape plan. He said that four difference accesses were reduced to two. Mr. Smith also stated this is a triangular piece of property and landlocked which is not good for residential.

Council President Burrell opened the Public Hearing at 6:36 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:37 p.m.

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Due to lack of a motion for immediate consideration, this ordinance will layover until the November 13, 2017 City Council meeting.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Conyers introduced in writing an ordinance to amend Ordinance No. 1273 known as East Park Subdivision the Planned Unit Development (PUD). The property of Wendell and Charlotte Barnhill is located on the north side of Parker Road between U. S. Hwy. 98 and High Ridge Road, at 7625 Parker Road. Tax Parcel: 05-46-03-05-0-000-010.007. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance.

Planning Director Wayne Dyess briefly explained the proposed ordinance. He said this will used for a church school site and B-2 is consistent with County zoning. Mr. Dyess said the Planning Commission approved with a 20-foot buffer maintained. Council President Burrell questioned what would be built. Mr. Dyess replied a school building was discussed. Council President Burrell stated a PUD allows us to decide what is built and B-2 does not. Councilmember Robinson asked are we not working on limitations and expirations. Mr. Dyess replied yes, we are and believes the proposed limitation is four years. Councilmember Brown questioned if a traffic study was required. Mr. Dyess said only in subdivision regulations.

Council President Burrell opened the Public Hearing at 6:44 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:44 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the November 13, 2017 City Council meeting.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Robinson introduced in writing an ordinance to rezone the property of Robert and Debra Green from R-1 Low Density Single Family Residential District to B-2 General Business District. This property is generally located 415 N. Greeno Road, Fairhope, Alabama. Tax Parcels: 05-46-03-39-0-002-152.017, 05-46-03-39-0-002-152.018, Portion of 05-46-03-39-0-002-152.010, and Portion of 05-46-03-39-0-002-152.000. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance.

Planning Director Wayne Dyess briefly explained the proposed ordinance. He stated the zoning was done in the 1960s and the business established prior to that. Mr. Dyess said this is a heavily traveled road and not conducive for residential. He said buffering is required for the rezone; and both the Planning Commission and Staff recommend approval.

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Council President Burrell commented he was surprised with approval without a site plan. Mr. Dyess replied staff cannot demand for site plan approval. He did state that the process for site plan approval is moving to Planning Commission. Councilmembers Conyers and Burrell both mentioned possible self-imposed restrictions on property.

Robert and Debra Green, owners of the property, presented a Power Point Presentation with background information on the zoning and other attempts by the family to rezone. Mr. Green said neighbors had concerns and all have been addressed. He thanked City Clerk Lisa Hanks and his wife Debra for their thorough research for this rezone. He said it has been B-2 for the last 40 to 45 years, yet has been denied rezoning and has received permits to expand business. Mr. Green said the nursery was founded in 1932 and gave a brief history of the business.

Councilmember Conyers brought up deed restrictions. Ms. Green commented since 1962 we did nothing but give up; and the Mayor at that time said someone has to sacrifice. She said we will not give up anything else; and asking me to, is insulting to me. Ms. Green said it is not up for sale and is not contingent on a sale. Mr. Green said the business has been here for 85 years and has given back to the City of Fairhope.

Council President Burrell opened the Public Hearing at 7:19 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 7:19 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the November 13, 2017 City Council meeting.

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council approves the selection of TischlerBise, Inc. to perform Professional Financial Consulting Services to Study Update of Impact Fees for the City of Fairhope (RFQ No. PS001-18), and hereby authorizes Mayor Karin Wilson to establish a fee schedule; and to execute the associated contract with a not-to-exceed limit of \$68,000.00. (Tabled at the October 9, 2017 City Council Meeting). Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

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23 October 2017

**RESOLUTION NO. 2904-17**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA,** That the City Council approves the selection of TischlerBise, Inc. to perform Professional Financial Consulting Services to Study Update of Impact Fees for the City of Fairhope (RFQ No. PS001-18), and hereby authorizes Mayor Karin Wilson to establish a fee schedule; and to execute the associated contract with a not-to-exceed limit of \$68,000.00.

DULY ADOPTED THIS 23RD DAY OF OCTOBER, 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 appointing a Director to the Educational Building Authority of the City of Fairhope, Alabama – St. Michael Catholic High School: reappoint James C. Bailey for a term ending on the second Monday of November 2023. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

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RESOLUTION NO. 2905-17

A RESOLUTION APPOINTING A DIRECTOR TO THE  
EDUCATIONAL BUILDING AUTHORITY OF THE CITY OF  
FAIRHOPE, ALABAMA - ST. MICHAEL CATHOLIC HIGH SCHOOL

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA (the "City Council"), as follows:

Section 1. The City Council has found and determined and does hereby find, determine and declare as follows:

(a) The City Council has heretofore authorized the incorporation, and appointed the directors, of The Educational Building Authority of the City of Fairhope, Alabama - St. Michael's Catholic High School (the "Authority").

(b) The initial term of Mr. James C. Bailey as a director of the Authority will expire on the second Monday of November, 2017.

(c) It is in the best interests of the Authority and the City to reappoint Mr. James C. Bailey as a director of the Authority.

Section 2. Pursuant to Section 16-17-5 of the Code of Alabama 1975, the City Council does hereby appoint the following person as a director of the Authority for the term ending on the date and year set opposite the name thereof:

<u>Name</u>	<u>End of Term</u>
Mr. James C. Bailey	Second Monday of November, 2023

Section 3. All ordinances, resolutions, orders, or parts of any thereof, of the City in conflict, or inconsistent, with any provision of this resolution hereby are, to the extent of such conflict or inconsistency, repealed.

Section 4. This resolution shall take effect immediately.

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Duly passed and adopted this 23rd day of October, 2017.

  
Council President

SEAL

Attest:   
City Clerk

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Transmitted to the Mayor for approval on October 24, 2017.

  
Mayor

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution approving the Holidays for FY 2017 - 2018. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.




23 October 2017

**RESOLUTION NO. 2906-17**

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, THAT THE FOLLOWING 2017 – 2018 HOLIDAYS WILL BE OBSERVED BY ALL CITY PERSONNEL EXCEPT EMERGENCY EMPLOYEES:

Veterans Day	-	Friday, November 10, 2017
Thanksgiving Holidays	-	Thursday & Friday, November 23 & 24, 2017
1/2 Day Christmas Eve	-	Friday, December 22, 2017
Christmas Holidays	-	Monday & Tuesday, December 25 & 26, 2017
New Year's Day	-	Monday, January 1, 2018
Martin Luther King, Jr.	-	Monday, January 15, 2018
Memorial Day	-	Monday, May 28, 2018
Independence Day	-	Wednesday, July 4, 2018
Labor Day	-	Monday, September 3, 2018

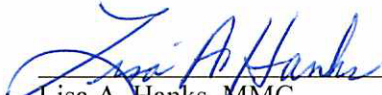
DULY ADOPTED THIS 23RD DAY OF OCTOBER, 2017




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 Karin Wilson, Mayor

Attest




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 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 approves the selection of Sawgrass Consulting, LLC to perform Professional Land Surveying Services for PS003-18 (Project No. REC001-18) Survey of Fairhope Docks Marina and Boatyard, and hereby authorizes Mayor Karin Wilson to negotiate a fee schedule, and establish a not-to-exceed figure. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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**RESOLUTION NO. 2907-17**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council approves the selection of Sawgrass Consulting, LLC to perform Professional Land Surveying Services for PS003-18 (Project No. REC001-18) Survey of Fairhope Docks Marina and Boatyard, and hereby authorizes Mayor Karin Wilson to negotiate a fee schedule, and establish a not-to-exceed figure.

DULY ADOPTED THIS 23RD DAY OF OCTOBER, 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 authorizing Mayor Wilson and the Fairhope Airport Authority/City of Fairhope to make application for airport improvement funding assistance from the State of Alabama Department of Transportation, for the purpose of undertaking a project to make improvements at the H. L. "Sonny" Callahan Airport. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 2908-17**

WHEREAS, the City of Fairhope intends to make application for State matching funds for an airport improvement project for the H. L. Sonny Callahan Airport during fiscal year 2018.

THEREFORE BE IT RESOLVED, by the City of Fairhope as follows:

1. That the City of Fairhope, by and through its Mayor, Council President, or other City Official designated by the City Council, is authorized to make an application for airport improvement funding assistance from the State of Alabama Department of Transportation, for the purpose of undertaking a project in fiscal year 2018 to make improvements at the H. L. Sonny Callahan Airport.

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2. That the application shall be submitted for and on behalf of the City of Fairhope, by and through its Mayor, Council President, or other City Official designated by the City Council, who his hereby authorized by this Resolution to sign the application and any related forms or documents on behalf of the City of Fairhope.
3. That the City of Fairhope is authorized to enter into an airport improvement funding agreement with the State of Alabama, acting by and through the Alabama Department of Transportation, for the purpose of undertaking a project to make improvements at the H. L. Sonny Callahan Airport, with a portion of the funding for this airport improvement project to be provided by the State of Alabama.
4. That the agreement be executed in the name of the City of Fairhope for and on behalf of the Fairhope Airport Authority and the City of Fairhope.
5. That the authority of the City of Fairhope to enter into contracts with the State of Alabama has been reviewed by the City of Fairhope attorney, and in his opinion, the City of Fairhope is duly authorized to commit the City of Fairhope to an agreement with the State of Alabama Department of Transportation.
6. That the either the Mayor, the City Council President, or other City Official specially designated by the City Council, shall be authorized to execute the both the application for funding and also the agreement with the State of Alabama Department of Transportation.

BE IT FURTHER RESOLVED, that the City of Fairhope, in reliance upon Resolution No. 427 of the Fairhope Airport Authority, hereby affirms that the local matching share of funds in the amount required for this airport improvement project has been officially approved, placed into the budget of the Fairhope Airport Authority and is available for expenditure by the Fairhope Airport Authority upon execution of the State of Alabama's funding agreement and the start of the project.

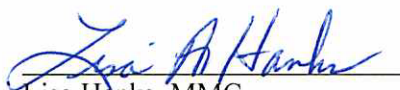
I, the undersigned qualified and acting as the City Clerk of the City of Fairhope, Alabama do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City of Fairhope named therein, at a regular meeting of such body held on the 23rd day of October 2017, and that such resolution is on file in the office of the City of Fairhope.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Fairhope on this 23rd day of October, 2017.

CITY OF FAIRHOPE

  
 \_\_\_\_\_  
 Karin Wilson, Mayor

ATTEST:

  
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 Lisa Hanks, MMC  
 City Clerk

23 October 2017

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope hereby approves and adopts the Franchise Agreement for granting franchises to install, maintain and operate a business on the City's public rights-of-ways or public property as presented and a copy is on file in the Office of the City Clerk; and that Resolution No. 2124-13 is hereby repealed. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 2909-17**

**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City of Fairhope hereby approves and adopts the Franchise Agreement for granting franchises to install, maintain and operate a business on the City's public rights-of-ways or public property as presented and a copy is on file in the Office of the City Clerk; and that Resolution No. 2124-13 is hereby repealed.

DULY ADOPTED THIS 23RD DAY OF OCTOBER, 2017




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Karin Wilson, Mayor

ATTEST:




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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 Christian Preus Landscape Architecture, LLC to perform Professional Architectural Services for MPO Downtown Traffic, Pedestrian Safety and Wayfinding Signage and Parking Study (RFQ No. PS039-17), with a not to exceed \$30,000.00. The total Project cost is \$30,000.00 through MPO Planning funds: Federal match not to exceed \$24,000.00 and a local match of \$6,000.00. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

23 October 2017

**RESOLUTION NO. 2910-17**

**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 Christian Preus Landscape Architecture, LLC to perform Professional Architectural Services for MPO Downtown Traffic, Pedestrian Safety and Wayfinding Signage and Parking Study (RFQ No. PS039-17), with a not to exceed \$30,000.00.

The total Project cost is \$30,000.00 through MPO Planning funds: Federal match not to exceed \$24,000.00 and a local match of \$6,000.00.

DULY ADOPTED THIS 23RD DAY OF OCTOBER, 2017




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 Karin Wilson, Mayor

Attest:




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 Lisa A. Hanks, MMC  
 City Clerk

Councilmember Robinson mentioned the intent of the bid law and the intent that people know what they are asked to do. The company was not here and why let them use third party inspection to attend. Mr. Peterson said this was the first time he ever saw this. Councilmember Robinson commented if it says you have to send someone you must send someone; not person who actually was going to do the work. Mr. Peterson said the intent and experience is there; and no infraction by Tank Pro; and stated it was not major. Councilmember Boone said you set rules for the bid and someone else may not have bid because they could not attend. He said this was not minor; it was major.

Council President Burrell said if someone was there, then not signing is not major. He said mandatory to attend is specific; sign in as Tank Pro and use their e-mail address; 25 to 30 photos needed; and need diagrams. Councilmember Burrell commented it was \$75.00 to do this on September 28, 2017.

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On September 27, 2017, Ethan K. will report to meeting, instructions are highlighted and bold. He said on the same day, Express Pro sent a thank you to Ethan. On September 28, 2017, Express Pro to Tank Pro stating Erik will attend meeting. On October 2, 2017, e-mail stating Jason H. on way to get measurements and photos. On invoice dated October 4, 2017 paid Erik. It appears Tank Pro did not follow instructions and it looks like an afterthought. Mr. Peterson said he contacted the other company and they were supplied the same.

Laura Strachan and Sean Alverson, attorneys for Tank Pro, addressed the City Council and said it was not unusual to hire someone to attend meetings. Express Pro is who they used and told Erik Reed to attend for Tank Pro; and did its best to comply with bid specifications. Mr. Alverson said the bid law states must award to lowest responsible bidder; and there was no infraction since it is not part of the bid law. Mr. Alverson said you have a letter from Express Pro stating Erik Reed represented Tank Pro.

Councilmember Robinson said we must have integrity for bid process; and we cannot dispute letter from Express Pro. Councilmember Brown said six submitted bids; and at what point did we request if Tank Pro had representation. Mr. Alverson stated the letter was received between the pre-bid meeting to submitting bids; and we believe our clients met the requirements. Mr. Peterson said the attorneys would prepare affidavits stating documents are true and correct. Councilmember Boone said we need to see signature on sign-in sheet; whoever was there for Tank Pro should have signed in. Councilmember Robinson said the affidavit would need to be signed by Erik Reed stating he attended meeting for Tank Pro and was requested prior to pre-bid meeting. Councilmember Robinson said if there is no infraction we should award to Tank Pro if we believe the letter is real.

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution to Award Bid to the lowest responsible bidder Tank Pro, who was compliant to bid specification criteria, the contract for Painting of Two Million Gallon Water Tower for the Water Department. The motion was seconded by Councilmember Conyers. Councilmember Robinson then decided to withdraw his motion.

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution to Award Bid to the lowest responsible bidder Tank Pro, who was compliant to bid specification criteria, the contract for Painting of Two Million Gallon Water Tower for the Water, contingent upon receiving a signed affidavit by Eric Reed that he was employed by Express Pro to be Tank Pro's agent prior to the pre-bid meeting. The signed affidavit must be received by the City of Fairhope by 5:00 p.m. on Friday, October 27, 2017. Seconded by Councilmember Conyers, motion passed by the following voice votes: AYE – Burrell, Robinson, and Conyers. NAY – Brown and Boone.

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Councilmember Boone moved to add that “In the event the signed affidavit is not received by 5:00 p.m. on Friday, October 27, 2017, the City Council will award to Utility Service Company, Inc., the second lowest responsive bidder for Bid No. 002-17.” Seconded by Councilmember Conyers, motion passed unanimously by voice vote. City Attorney Wynne said it should not take long to get an affidavit signed and returned.

**RESOLUTION NO. 2911-17**

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

[1] That the City of Fairhope, by and through Operations Director Richard Peterson, Project Engineer, did request, receive, and open bids for Painting of Two Million Gallon Water Tower 2017 (Bid No. 002-17) for the Water Department.

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

Please see attached Bid Tabulation for  
Painting of Two Million Gallon Water Tower  
for the Water Department

[3] After evaluating the bid proposals with the required bid specifications, The City Council awards to Tank Pro, Inc. the bid for Painting of Two Million Gallon Water for the Water Department, contingent upon receiving a signed affidavit by Eric Reed that he was employed by Express Pro to be Tank Pro’s agent prior to the pre-bid meeting. The signed affidavit must be received by the City of Fairhope by 5:00 p.m. on Friday, October 27, 2017.

[4] In the event the signed affidavit is not received by 5:00 p.m. on Friday, October 27, 2017, the City Council will award to Utility Service Company, Inc., the second lowest responsive bidder for Bid No. 002-17.

DULY ADOPTED THIS 23RD DAY OF OCTOBER, 2017

  
\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

23 October 2017

CITY OF FAIRHOPE  
 Bid Tabulation and Recommendation  
 Bid No : 002-17  
 Bid Name: Painting of Two Million Gallon Water Tower 2017  
 Bid OPENED: October 10, 2017 9:00 a.m.  
 Mandatory Pre-Bid Meeting 9/28/17 9:00 a.m.

VENDOR	Mandatory Pre-Bid Attendance Signature	BID BOND	Addenda 1,2,3	Bid Response forms Executed / Signed / Notarized	Item 1			Item 2 (sum of unit price items 1-8)				Total Bid for Item 2 (Sum of Items 1-6)	Total Bid (Sum of Bid Items 1 & 2)	
					Paint Two (2) million gallon	Allowance of \$20,000 for cellular antenna work	Total Bid for Item 1 Including Allowance	ITEMS	UNITS	QUANTITY	UNIT PRICE			TOTAL PRICE
American Surecraft Co, Inc	YES	YES	1,2,3	YES	\$ 1,120,500.00	\$ 20,000.00	\$1,140,500.00	Pit Repair by Welding Rods	Each	100	\$ 25.00	\$ 2,500.00	\$25,700.00	\$1,166,200.00
								Pit Repair by Epoxy Filler	Each	100	\$ 10.00	\$ 1,000.00		
								Replace Tank Ladder	Lin Ft	60	\$ 90.00	\$ 7,200.00		
								Add/Replace Safety Climb Cable (Add at Tank Riser)	Lin Ft	60	\$ 600.00	\$ 4,800.00		
								Treat Exterior of Tank for Chlorides (if required)	Lump Sum	1		\$ 2,400.00		
								Treat Interior (Dry) Surfaces for Chlorides (if required)	Lump Sum	1		\$ 2,400.00		
								Treat Interior (Wet) Surfaces for Chlorides (if required)	Lump Sum	1		\$ 2,400.00		
								Bypass Drain Line	Sum	1		\$ 3,000.00		
					Item 1			Item 2 (sum of unit price items 1-8)						
	Mandatory Pre-Bid Attendance Signature	BID BOND	Addenda 1,2,3	Bid Response forms Executed / Signed / Notarized	Paint Two (2) million gallon	Allowance of \$20,000 for cellular antenna work	Total Bid for Item 1 Including Allowance	ITEMS	UNITS	QUANTITY	UNIT PRICE	TOTAL PRICE	Total Bid for Item 2 (Sum of Items 1-6)	Total Bid (Sum of Bid Items 1 & 2)
TMI Coatings, Inc.	YES	YES	1,2,3	YES	\$ 1,326,200.00	\$ 20,000.00	\$1,346,200.00	Pit Repair by Welding Rods	Each	100	\$ 50.00	\$ 5,000.00	\$9,800.00	\$1,414,000.00
								Pit Repair by Epoxy Filler	Each	100	\$ 36.00	\$ 3,600.00		
								Replace Tank Ladder	Lin Ft	80	\$ 210.00	\$ 16,800.00		
								Add/Replace Safety Climb Cable (Add at Tank Riser)	Lin Ft	80	\$ 25.00	\$ 2,000.00		
								Treat Exterior of Tank for Chlorides (if required)	Lump Sum	1		\$ 10,400.00		
								Treat Interior (Dry) Surfaces for Chlorides (if required)	Lump Sum	1		\$ 10,400.00		
								Treat Interior (Wet) Surfaces for Chlorides (if required)	Lump Sum	1		\$ 6,300.00		
								Bypass Drain Line	Sum	1		\$ 13,300.00		



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				Item 1			Item 2 (sum of unit price items 1-6)							
Mandatory Pre-Bid Attendance Signature	BID BOND	Addenda 1,2,3	Bid Response forms Executed / Signed / Notarized	Paint Two (2) million gallon	Allowance of \$20,000 for cellular antenna work	Total Bid for Item 1 Including Allowance	ITEMS	UNITS	QUANTITY	UNIT PRICE	TOTAL PRICE	Total Bid for Item 2 (Sum of items 1-6)	Total Bid (Sum of Bid Items 1 & 2)	
Utility Service Co., Inc.	YES	YES	1,2,3	YES	\$ 897,500.00	\$ 20,000.00	\$917,500.00	PIR Repair by Welding Rods	Each	100	\$ 18.00	\$ 1,800.00	\$55,500.00	\$973,400.00
							PIR Repair by Epoxy Filler	Each	100	\$ 12.00	\$ 1,200.00			
							Replace Tank Ladder	Lin Ft	80	\$ 82.15	\$ 6,580.00			
							Cable (Add at Tank Riser)	Lin Ft	80	\$ 21.50	\$ 1,720.00			
							Treat Exterior of Tank for Chlorides (if required)	Lump Sum	1		\$ 10,800.00			
							Treat Interior (Dry) Surfaces for Chlorides (if required)	Lump Sum	1		\$ 8,400.00			
							Treat Interior (Wet) Surfaces for Chlorides (if required)	Lump Sum	1		\$ 7,300.00			
							Bypass Drain Line	Lump Sum	1		\$ 17,600.00			
				Item 1			Item 2 (sum of unit price items 1-6)							
Mandatory Pre-Bid Attendance Signature	BID BOND	Addenda 1,2,3	Bid Response forms Executed / Signed / Notarized	Paint Two (2) million gallon	Allowance of \$20,000 for cellular antenna work	Total Bid for Item 1 Including Allowance	ITEMS	UNITS	QUANTITY	UNIT PRICE	TOTAL PRICE	Total Bid for Item 2 (Sum of items 1-6)	Total Bid (Sum of Bid Items 1 & 2)	
Classic Protective Coatings	YES	YES	1,2,3	YES	\$ 947,500.00	\$ 20,000.00	\$967,500.00	PIR Repair by Welding Rods	Each	100	\$ 20.00	\$ 2,000.00	\$47,200.00	\$1,014,700.00
							PIR Repair by Epoxy Filler	Each	100	\$ 10.00	\$ 1,000.00			
							Replace Tank Ladder	Lin Ft	80	\$ 125.00	\$ 10,000.00			
							Add/Replace Safety Climb Cable (Add at Tank Riser)	Lin Ft	80	\$ 40.00	\$ 3,200.00			
							Treat Exterior of Tank for Chlorides (if required)	Lump Sum	1		\$ 9,000.00			
							Treat Interior (Dry) Surfaces for Chlorides (if required)	Lump Sum	1		\$ 8,100.00			
							Treat Interior (Wet) Surfaces for Chlorides (if required)	Lump Sum	1		\$ 6,900.00			
							Bypass Drain Line	Sum	1		\$ 5,000.00			
				Item 1			Item 2 (sum of unit price items 1-6)							
Mandatory Pre-Bid Attendance Signature	BID BOND	Addenda 1,2,3	Bid Response forms Executed / Signed / Notarized	Paint Two (2) million gallon	Allowance of \$20,000 for cellular antenna work	Total Bid for Item 1 Including Allowance	ITEMS	UNITS	QUANTITY	UNIT PRICE	TOTAL PRICE	Total Bid for Item 2 (Sum of items 1-6)	Total Bid (Sum of Bid Items 1 & 2)	
Worldwide Industries Corp	YES	YES	1,2,3	YES	\$ 1,219,000.00	\$ 20,000.00	\$1,249,000.00	PIR Repair by Welding Rods	Each	100	\$ 20.00	\$ 2,000.00	\$82,910.00	\$1,331,910.00
							PIR Repair by Epoxy Filler	Each	100	\$ 20.00	\$ 2,000.00			
							Replace Tank Ladder	Lin Ft	80	\$ 200.00	\$ 16,000.00			
							Add/Replace Safety Climb Cable (Add at Tank Riser)	Lin Ft	80	\$ 40.00	\$ 3,200.00			
							Treat Exterior of Tank for Chlorides (if required)	Lump Sum	1		\$ 14,600.00			
							Treat Interior (Dry) Surfaces for Chlorides (if required)	Lump Sum	1		\$ 24,100.00			
							Treat Interior (Wet) Surfaces for Chlorides (if required)	Lump Sum	1		\$ 16,510.00			
							Bypass Drain Line	Lump Sum	1		\$ 1,400.00			

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		Item 1					Item 2 (sum of unit price items 1-8)							
Mandatory Pre-Bid Attendance Signature	BID BOND	Addenda 1,2,3	Bid Response forms Executed / Signed / Notarized	Paint Two (2) million gallon	Allowance of \$20,000 for cellular antennae work	Total Bid for Item 1 including Allowance	ITEMS	UNITS	QUANTITY	UNIT PRICE	TOTAL PRICE	Total Bid for Item 2 (Sum of Items 1-8)	Total Bid (Sum of Bid Items 1 & 2)	
TANK PRO Inc.	no	YES	1,2,3	yes	\$ 868,973.00	\$ 20,000.00	\$888,973.00	PH Repair by Welding Rods	Each	100	\$ 15.00	\$ 1,500.00	\$22,600.00	\$911,473.00
							PH Repair by Epoxy Filler	Each	100	\$ 10.00	\$ 1,000.00			
							Replace Tank Ladder	Lin Ft	80	\$ 56.25	\$ 4,500.00			
							Add/Replace Safety Climb Cable (Add at Tank Riser)	Lin Ft	80	\$ 16.25	\$ 1,300.00			
							Treat Exterior of Tank for Chlorides (if required)	Lump Sum	1		\$ 6,000.00			
							Treat Interior (Dry) Surfaces for Chlorides (if required)	Lump Sum	1		\$ 100.00			
							Treat Interior (Wet) Surfaces for Chlorides (if required)	Lump Sum	1		\$ 100.00			
							Bypass Drain Line	Lump Sum	1		\$ 8,000.00			

Recommendation: Award Bid to \_\_\_\_\_ in the amounts listed in their Bid Response for a total bid of \$ \_\_\_\_\_



10/19/2017

Richard Paterson, P.E.  
Director of Operations and EOR

To my knowledge this is an accurate Bid Tabulation

\_\_\_\_\_ / /  
Cindi Steadham, Buyer  
for Daniel P Ames, Purchasing Manager

NOTE: RECOMMENDATION  
FORTHCOMING.

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council agrees to contribute the required twenty percent (20%) local match for the Downtown Fairhope Transit Shelter (Project) amounting to \$120,000.00 of the total Project cost of \$600,000.00. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

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**RESOLUTION NO. 2912-17**

**WHEREAS**, the City Council adopted on June 8, 2015 Resolution No. 2369-15 to provide the local match for the estimated cost between \$200,000.00 and \$300,000.00 available Federal funding through the Eastern Shore Metropolitan Planning Organization (“MPO”) for transit projects; a transit shelter in downtown Fairhope (“Project”); and

**WHEREAS**, the City of Fairhope (“City”) has learned that the Federal funding available for transit projects is now \$600,000.00; and

**WHEREAS**, the local match for the Project is now \$120,000.00; and

**WHEREAS**, the MPO requires a resolution from a sponsoring local government committing to provide the 20% local match for Project funds;

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE**, that the City Council agrees to contribute the required twenty percent (20%) local match for the Downtown Fairhope Transit Shelter (Project) amounting to \$120,000.00 of the total project cost of \$600,000.00.

ADOPTED THIS 23RD DAY OF OCTOBER, 2017

  
\_\_\_\_\_  
Karin Wilson, Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

Councilmember Boone moved to grant the request of the Fairhope Volunteer Fire Department requesting to close Equality Street between North Section Street and North Bancroft; and a section of Bancroft between Magnolia to Pine Street for its 2nd BBQ Cook-Off (Smoke’m If You Go EM) Fundraiser to benefit the Fire Department on Saturday, April 7, 2018 from 6:00 a.m. to Sunday, April 8, 2018 at 12:00 a.m. Services needed will be Barricades, Electric Junction Boxes, Water, Trash and Recycling bins, Trash Truck, AC Restroom Trailer, 2 Light Towers, City Stage, Police Officers during the closure, and several of the City tail gate tents.

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Requesting permission to sell alcohol (beer) during the street closure time: alcohol contingent upon ABC and City licenses and approval of same; to have a live band from 9:00 p.m. to 11:00 p.m. and to grant a variance of the noise ordinance for one hour. The Fire Department also requests that all fees be waived for this event; and permission to utilize the Fairhope Civic Center as a rain location for the same dates, times, and requests as above for this location. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution the City of Fairhope hereby states its support for Mobile Bay Keeper's sampling plan to identify the source of the elevated bacteria levels in Fly Creek and Mobile Bay and to help Fairhope obtain the tools to resolve the issue. Further, the City Council authorizes the payment of up to \$6,500.00 to pay the estimated cost of the study in cash or in-kind services. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

**RESOLUTION NO. 2913-17**

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

The City of Fairhope hereby states its support for Mobile Bay Keeper's sampling plan to identify the source of the elevated bacteria levels in Fly Creek and Mobile Bay and to help Fairhope obtain the tools to resolve the issue.

Further, the City Council authorizes the payment of up to \$6,500.00 to pay the estimated cost of the study in cash or in-kind services.

DULY PASSED AND ADOPTED THIS 23RD DAY OF OCTOBER, 2017

  
\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

23 October 2017

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

- 1) T. J. Murphy, Tensaw Avenue, addressed the City Council regarding the inconsistency from the Planning Commission, Planning Department, and now the City Council. He stated you must follow the rules; and gave the example of the insurance broker and not opening his amended quote. He stated you should have awarded to the second lowest bidder.

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 Pending Litigation and Possible Settlement Options regarding said Pending Litigation. The approximate time to be in Executive Session is 45 minutes. Councilmember Boone moved to go into Executive Session. Seconded by Councilmember Robinson, motion passed unanimously by voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY - None.

Exited the dais at 8:10 p.m. Returned at 8:43 p.m.

Council President Burrell stated there was a need to add on two agenda items: aa resolution that the City Council takes our attorneys' advice on settlement agreement concerning the Solomon Case: for cash payment and construction improvements needed to be made on Cuscowilla Lane; and gives our Counsel, Matt McDonald, authority to settle the claim on the terms submitted by our attorneys; and a resolution that the City Council takes our attorneys' advice on settlement agreement concerning the Solomon Case: for cash payment and construction improvements needed to be made on Cuscowilla Lane; and gives our Counsel, Matt McDonald, authority to settle the claim on the terms submitted by our attorneys.

Councilmember Robinson moved to add on the above-mentioned items not on the printed agenda. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council takes our attorneys' advice on settlement agreement concerning the Solomon Case: for cash payment and construction improvements needed to be made on Cuscowilla Lane; and gives our Counsel, Matt McDonald, authority to settle the claim on the terms submitted by our attorneys. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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23 October 2017

**RESOLUTION NO. 2914-17**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council takes our attorneys' advice on settlement agreement concerning the Solomon Case: for cash payment and construction improvements needed to be made on Cuscowilla Lane; and gives our Counsel, Matt McDonald, authority to settle the claim on the terms submitted by our attorneys.

Adopted on this 23rd day of October, 2017
  
 \_\_\_\_\_  
 Karin Wilson, Mayor

Attest:

  
 \_\_\_\_\_  
 Lisa A. Hanks, MMC  
 City Clerk

Council President Burrell stated Councilmember Robinson would be abstaining from this item. Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council takes our attorneys' advice on settlement agreement concerning the Sherry Sullivan Claim; and authorizes our Counsel, Matt McDonald, to proceed with settlement of claim in the dollar amount specified by our attorneys. Seconded by Councilmember Brown, motion passed by the following voice votes: AYE – Burrell, Conyers, Brown, and Boone. NAY – None. ABSTAIN – Robinson.

**RESOLUTION NO. 2915-17**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council takes our attorneys' advice on settlement agreement concerning the Sherry Sullivan Claim; and authorizes our Counsel, Matt McDonald, to proceed with settlement of claim in the dollar amount specified by our attorneys.

Adopted on this 23rd day of October, 2017
  
 \_\_\_\_\_  
 Karin Wilson, Mayor

Attest:

  
 \_\_\_\_\_  
 Lisa A. Hanks, MMC  
 City Clerk

23 October 2017

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

There being no further business to come before the City Council, the meeting was duly adjourned at 8:47 p.m.

  
\_\_\_\_\_  
Jack Burrell, Council President

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk