

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, 18 December 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 Tate Chalfant, Youth Pastor of Celebration Church, and the Pledge of Allegiance was recited. Councilmember Conyers moved to approve minutes of the 06 December 2017, special-called meeting, minutes of the 11 December 2017, regular meeting; minutes of the 11 December 2017, work session; and minutes of the 11 December 2017, agenda meeting. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

Mayor Wilson addressed the City Council regarding the following items:

- 1) Lakeland, Florida was mentioned and the help from our Electric Department after Hurricane. The City of Lakeland sent a Proclamation to the City of Fairhope for our efforts after Hurricane Irma (September 5, 2017). The City of Lakeland also wanted to recognize the Electric Department and sent t-shirts and thank you notes designed and made by kids with the theme being "You Light up my Life." The following Electric Department volunteers (employees) were recognized: Doug Brown, Ian Morrison, Marshall King, and Chaz McMahon. Mayor Wilson said there were 40 municipalities that helped with the Hurricane aftermath; and the City of Lakeland has declared October 2nd as Mutual Aid Day in its City.
- 2) The FEMA Process for Hurricane Nate has begun with our piers and should repairs should begin in January.
- 3) Bi-Monthly Calendars will be sent in our Utility Bills; and we will no longer take payments for bills via telephone.
- 4) The bids for the Quail Creek Clubhouse are being advertised.

The following individuals spoke during Public Participation for Agenda Items:

- 1) Ron Allen, 6612 Willowbridge Drive, addressed the City Council regarding Agenda Item Number 6: An Ordinance establishing an Entertainment District for the City of Fairhope. Mr. Allen said he was in favor of the ordinance and suggested the time being from 5:00 p.m. to 8:00 p.m. He commented you can always change it if needed.

18 December 2017

- 2) Gary Gover, 300 Lincoln Street, addressed the City Council regarding Agenda Item Number 6: An Ordinance establishing an Entertainment District for the City of Fairhope. Mr. Gover stated he would like having the district not just in the Central Business District (“CBD”) and for Special Events. He mentioned block parties and other bars outside of the CBD.

Councilmember Robinson thanked MedStar for assisting Santa during the fire drill. He wished everyone a safe and Merry Christmas.

Councilmember Conyers wished everyone a Merry Christmas and a Happy New Year.

Councilmember Brown mentioned ADA accessible on City piers and the Education Advisory Committee contribution. He said that the Financial Advisory Committee will be reviewing the Police Jurisdiction and the City’s expense as well as funding Capital Projects.

Councilmember Boone announced that the Personnel Board will be meeting Wednesday at 5:00 p.m. He said for everyone to remember the reason for the “Season” is Christ.

A Public Hearing was held as advertised on a proposed resolution to approve the issuance and use of the Bonds for Noland Health Services, Inc. to finance the purchase of Fairhope Health and Rehab located at 108 South Church Street. Brad Cherry, attorney with Maynard Cooper, addressed the City Council on behalf of Noland Health Services, Inc. Mr. Cherry explained that the Internal Revenue Service requires the City to be made aware of the intent that Noland intends to upgrade; and seeks to reimburse itself with tax-exempt bonds.

Council President Burrell opened the Public Hearing at 6:24 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:24 p.m.

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution approving the issuance and use of the Bonds for Noland Health Services, Inc. to finance the purchase of Fairhope Health and Rehab located at 108 South Church Street. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

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18 December 2017

RESOLUTION NO. 2947-17

**RESOLUTION APPROVING BONDS PURSUANT TO
SECTION 147(f) OF THE INTERNAL REVENUE
CODE OF 1986, AS AMENDED, AND THE ENABLING ACT**

WHEREAS, The Special Care Facilities Financing Authority of the City of Pell City, Alabama, a public corporation organized under the laws of the State of Alabama (the “Issuer”), pursuant to the authority and provisions of Chapter 62 of Title 11 of the Code of Alabama 1975 (the “Enabling Act”), proposes to (a) use up to \$6,000,000 aggregate face amount of the Issuer’s Revenue Bonds (Noland Health Services, Inc.), Series 2016A and (b) issue up to \$2,500,000 aggregate face amount of revenue bonds (collectively, the “Bonds”), to provide financing for the benefit of Noland Health Services, Inc., a nonprofit corporation organized under the laws of the State of Delaware (the “User”).

WHEREAS, the Issuer proposes to use the proceeds of the Bonds to finance the costs of acquiring and the costs of reimbursement for a 131-bed skilled nursing facility and related support facilities, offices, medical services and equipment, together with additions, renovations and improvements to said facilities (collectively, the “Bond-Financed Facilities”).

WHEREAS, the Bond-Financed Facilities are or will be located at 108 South Church Street in the City of Fairhope, Alabama.

WHEREAS, by agreement with the Issuer, all of the Bond-Financed Facilities will be leased to the User, as the initial manager or operator thereof. The User is expected to sublease all or a portion of the Bond-Financed Facilities to its wholly owned affiliate, Noland Fairhope, LLC, doing business as Fairhope Health and Rehab.

WHEREAS, the Bonds will be limited obligations of the Issuer and will be payable solely from the rentals payable by the User and any other revenues or receipts derived by the Issuer from the Bond-Financed Facilities. The lease agreement between the Issuer and the User will provide for the payment of rentals by the User sufficient to pay debt service on the Bonds when due. The Bonds will be secured under an agreement whereby the Issuer will pledge the rentals and other receipts from the Bond-Financed Facilities for the benefit of the holders of the Bonds. The Bonds will not be general obligations of the Issuer and will not in any way constitute a debt, liability or obligation of the State of Alabama, the Cities of Pell City or Fairhope, Alabama or any other political subdivision of the State of Alabama. The Bonds will not be payable from any tax revenues.

WHEREAS, a public hearing concerning the Bonds was held by the City Council of the City of Fairhope, at Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, at 6:00 p.m. on December 18, 2017; notice of such public hearing was given by publication in *The Fairhope Courier* on November 29, 2017, and such hearing provided an opportunity for persons with different views on the proposed use of the Bonds and the location and nature of the Bond-Financed Facilities to express their views, both orally and in writing.

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NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY the City Council of the City of Fairhope, Alabama, as follows:

1. That the City Council hereby consents to and approves the issuance and use of the Bonds for the purposes set forth herein, and that such consent and approval is being given pursuant to, and solely for the purposes of, the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended, and all applicable provisions of the Enabling Act, including without limitation Section 11-62-1 of the Code of Alabama 1975.

2. That such consent and approval should not be construed as expressing any view whatsoever as to the financial feasibility of the Bond-Financed Facilities or the adequacy of any security provided for the Bonds.

3. That this Resolution and the consents and approvals set forth herein shall never be taken to impose any indebtedness, liability or obligation of any kind whatsoever upon the City of Fairhope, Alabama.

ADOPTED 18TH DAY OF DECEMBER, 2017



 Karin Wilson, Mayor

ATTEST:



 Lisa A. Hanks, MMC
 City Clerk

Councilmember Conyers introduced in writing an ordinance to establish an Entertainment District for the City of Fairhope. Council President Burrell explained the proposed ordinance and the changes made during the Work Session: in Section 1 - adding concurrent with the Central Business District; in Section 3 - the last sentence being removed and; in Section 6 – adding the following Special Events: First Friday Art Walks, Mardi Gras, City Sponsored Parades, and New Year’s Eve for one hour before and one hour after event; and upon special requests. Councilmember Brown moved for immediate consideration for the adoption of an ordinance establishing an Entertainment District for the City of Fairhope. The motion was seconded by Councilmember Conyers. Due to lack of a unanimous vote for immediate consideration, this ordinance will layover until the January 8, 2018 City Council meeting.

18 December 2017

Councilmember Brown introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Karin Wilson to execute a Contract between the City of Fairhope and The Fairhope Film Festival for an appropriation of \$8,000.00 to help bring sustained economic growth from the film industry to the Alabama Gulf Coast through its Fairhope Film Festival. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2948-17

WHEREAS, a contract shall be executed between the City of Fairhope and the Fairhope Film Festival, making an appropriation of \$8,000.00, to help bring sustained economic growth from the film industry to the Alabama Gulf Coast through its Fairhope Film Festival.

WHEREAS, the term of said contract shall be for one (1) year, beginning 1 October 2017 and ending 30 September 2018; but the contract shall be cancelled at any time upon notice.

WHEREAS, payment shall be made in the total amount of \$8,000.00 from the City of Fairhope.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, THAT Mayor Karin Wilson is hereby authorized to sign a contract between the City of Fairhope and the Fairhope Film Festival.

DULY ADOPTED THIS 18TH DAY OF DECEMBER, 2017



Karin Wilson, Mayor

Attest



Lisa A. Hanks, MMC
City Clerk

18 December 2017

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Karin Wilson to execute a Contract between the City of Fairhope and Mobile Bay National Estuary Program for an appropriation of \$5,000.00 to support activities related to Stormwater education and watershed management. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

RESOLUTION NO. 2949-17

WHEREAS, a contract shall be executed between the City of Fairhope and the Mobile Bay National Estuary Program, making an appropriation of \$5,000.00 to support expanded activities related to Stormwater education and watershed management. The Mobile Bay National Estuary Program recently partnered with the City of Fairhope for the Volanta Gulley Watershed Management Plan and projects at the Fairhope ball fields, Dog Park, and Jasmine Park.

WHEREAS, the term of said contract shall be for one (1) year, beginning 1 October 2017 and ending 30 September 2018; but the contract shall be cancelled at any time upon notice.

WHEREAS, payment shall be made in the total amount of \$5,000.00 from the City of Fairhope.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, THAT Mayor Karin Wilson is hereby authorized to sign a contract between the City of Fairhope and the Mobile Bay National Estuary Program.

DULY ADOPTED THIS 18TH DAY OF DECEMBER, 2017



Karin Wilson, Mayor

Attest



Lisa A. Hanks, MMC
City Clerk

18 December 2017

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Karin Wilson to execute a Contract between the City of Fairhope and the Fairhope -Point Clear Rotary Youth Club for an appropriation of \$50,000.00 to help manage and operate the Fairhope-Point Clear Rotary Youth Club facility. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 2950-17

WHEREAS, the Fairhope-Point Clear Rotary Youth Club serves a public purpose and the programs and activities that the Fairhope-Point Clear Rotary Youth Club gives the City of Fairhope are a public service; and,

WHEREAS, the Fairhope-Point Clear Rotary Youth Club, agrees to work with the Mayor, and/or her agent(s), to better meet the needs of our community's youth through programs and activities; i.e. quality after school and summer programs which is an absolute necessity for our community.

WHEREAS, the term of said contract shall be for one (1) year, beginning 1 October 2017 and ending 30 September 2018; but the contract shall be cancelled at any time upon notice.

WHEREAS, payment shall be made quarterly in the amount of \$12,500.00 from the City of Fairhope; or \$50,000.00 annually, until contract either expires or is cancelled.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Karin Wilson is hereby authorized to execute contract between the City of Fairhope and the Fairhope-Point Clear Rotary Youth Club to support the programs and activities to better serve our community and its youth by helping to manage and operate the Fairhope-Point Clear Rotary Youth Club facility and for facility maintenance.

ADOPTED THIS 18TH DAY OF DEEMBER, 2017



Karin Wilson, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk

18 December 2017

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Karin Wilson to execute a Contract between the City of Fairhope and Thomas Hospital Foundation for an appropriation of \$50,000.00 pledged to assist in the construction of the new Birth Center; to include an enhanced Special Care Nursery. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 2951-17

WHEREAS, a contract shall be executed between the City of Fairhope and the Thomas Hospital Foundation, Inc., making an appropriation of \$50,000.00 pledged to assist in the construction of the new Birth Center which will include an enhanced Special Care Nursery. This Special Care Nursery allows babies who are currently transferred out of the county to stay local. The new Birth Center is both the community's and the hospital's most important need.

WHEREAS, the term of said contract shall be for one (1) year, beginning 1 October 2017 and ending 30 September 2018; but the contract shall be cancelled at any time upon notice.

WHEREAS, payment shall be made in the total amount of \$50,000.00 from the City of Fairhope.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, THAT Mayor Karin Wilson is hereby authorized to sign a contract between the City of Fairhope and the Thomas Hospital Foundation, Inc.

DULY ADOPTED THIS 18TH DAY OF DECEMBER, 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 Karin Wilson to execute a Contract between the City of Fairhope and Baldwin County Economic Development Alliance for an appropriation of \$15,000.00 to support economic development facilitation within the City of Fairhope. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

18 December 2017

RESOLUTION NO. 2952-17

WHEREAS, a contract shall be executed between the City of Fairhope and the Baldwin County Economic Development Alliance, Inc., making an appropriation of \$15,000.00 to assist with economic development facilitation within the City of Fairhope. BCDEA is pleased to continue its 20-year relationship with the City of Fairhope. BCEDA's charge is to develop and facilitate new job creation opportunities for all communities in Baldwin County. BCEDA will work with City Leadership to continue to develop new job creation opportunities in but not limited to the following: IT, Software Development, Aerospace, Aviation and Medical sectors. We will continue to work with the Mayor, City Staff and City Council to identify, develop and promote designated areas of Fairhope for future job creation. BCEDA will continue to promote and market the City of Fairhope, advising national and international corporate decision makers of all that Fairhope has to offer them as a top site-selection location. BCEDA will continue to advise and assist the Mayor and City Leaders in developing a place and atmosphere in Fairhope that encourages, fosters and facilitates entrepreneurship. BCEDA will work with local, regional and statewide workforce development partners to communicate current and future training and education requirements to Coastal Alabama Community College and The Academy at the Fairhope Airport.

WHEREAS, the term of said contract shall be for one (1) year, beginning 1 October 2017 and ending 30 September 2018; but the contract shall be cancelled at any time upon notice.

WHEREAS, payment shall be made in the total amount of \$15,000.00 from the City of Fairhope.


BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Karin Wilson is hereby authorized to sign a contract between the City of Fairhope and the Baldwin County Economic Development Alliance, Inc.

DULY ADOPTED THIS 18TH DAY OF DECEMBER, 2017



Karin Wilson, Mayor

Attest



Lisa A. Hanks, MMC
City Clerk

18 December 2017

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Karin Wilson to execute a Contract between the City of Fairhope and the Baldwin County Martin Luther King Jr. Celebration Committee Inc. for use of the City facilities (rental and cleaning fees) on Martin Luther King’s Birthday (January 15, 2018), including streets and parks; but they would be responsible for any incidentals, damages, or security if necessary. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

RESOLUTION NO. 2953-17

WHEREAS, the Baldwin County Martin Luther King Jr. Celebration Committee Inc. serves a public purpose and the County-wide publicity that the Baldwin County Martin Luther King Jr. Celebration Committee Inc. gives the City of Fairhope is a public service; and,

WHEREAS, We, the Baldwin County Martin Luther King Jr. Celebration Committee Inc., agree to work with the Mayor, and /or his agent(s), to advertise and promote the City of Fairhope and to continue providing scholarships to Baldwin County High School students; continue partnering with OWA to give funds to schools and students through essay contests; and to allow over 1,000 participants to enjoy the Celebrations during our Dr. Martin Luther King Jr. Celebration; and

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Karin Wilson is hereby authorized to execute contract between the City of Fairhope and the Baldwin County Martin Luther King Jr. Celebration Committee Inc. for use of the City facilities (rental and cleaning fees) on Martin Luther King’s Birthday (January 15, 2018), including streets and parks; but they would be responsible for any incidentals, damages, or security if necessary.

ADOPTED this 18th day of December, 2017



Karin Wilson, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk


18 December 2017

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the Fairhope City Council hereby accepts the \$35,000.00 gift to the City of Fairhope from the John Martin's Family Foundation and earmarks these funds for improvements at the approximately 108 acres "Triangle Property." The motion was seconded by Councilmember Boone. Councilmember Brown explained that John Martin wanted to give money for the Triangle property before year end. Mayor Wilson asked if the City sold the Triangle property what would happen with the donation. City Attorneys were asked to find out about the property if sold. After further discussion, motion passed unanimously by voice vote.

RESOLUTION NO. 2954-17

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the Fairhope City Council hereby accepts the \$35,000.00 gift to the City of Fairhope from the John Martin's Family Foundation and earmarks these funds for improvements at the approximately 108 acres "Triangle Property."

Adopted on this 18th day of December, 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 Budget for the fiscal year ending September 30, 2017 be extended through January 22, 2018 to allow the invoices and expenditures to continue as needed. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

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18 December 2017

RESOLUTION NO. 2955-17

WHEREAS, the Budget for the fiscal year ending September 30, 2018 has not been adopted by the City Council; and

WHEREAS, Resolution No. 2919-17 was adopted on November 13, 2017 to allow invoices and expenditures to continue as needed through December 18, 2017; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that the Budget for the fiscal year ending September 30, 2017 be extended through January 22, 2018 to allow the invoices and expenditures to continue as needed.

Adopted on this 18th day of December 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 to appoint Marcus E. McDowell as City Attorney. Seconded by Councilmember Brown, motion passed unanimously by voice vote. Council President Burrell announced City Attorney Marion E. "Tut" Wynne's retirement at the end of the year with 30 plus years of service as City Attorney and City Prosecutor. Council President Burrell congratulated Marcus McDowell as the new City Attorney.

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18 December 2017

RESOLUTION NO. 2956-17

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That **MARCUS E. MCDOWELL** is hereby appointed as City Attorney. The term of the City Attorney shall serve until the next general municipal election or until a successor is elected by the council and qualified. Section 11-43-3, Code of Alabama, 1975.

BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor Karin Wilson is authorized to sign an engagement letter between the City of Fairhope and Marcus E. McDowell for legal services.

ADOPTED THE 18TH DAY OF DECEMBER, 2017


Jack Burrell, Council President

ATTEST:


Lisa A. Hanks, MMC
City Clerk

Councilmember Brown moved to appoint Ken Cole and Colby Cooper to the Education Advisory Committee for a three-year term which will expire in January 2021. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Conyers moved to appoint Cooper Norman to the Historic Preservation Committee for a three-year term which will expire December 18, 2020. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

Councilmember Conyers moved to grant the request of Katja Palumbo, Fairhope K-6 Parent Teacher Corporation, requesting permission to close the streets in downtown Fairhope on Saturday, January 27, 2018 from 6:00 a.m. to 10:00 a.m. for a 5K Run and 1 Mile Fun Run (“The Pirate Dash”) to raise money for the educational needs of the Fairhope Elementary and Fairhope Intermediate Schools. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.


18 December 2017

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

There being no further business to come before the City Council, the meeting was duly adjourned at 6:39 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk