

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

MONDAY, 8 OCTOBER 2018 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve minutes of 19 September 2018 Work Session/Budget Meeting, 19 September 2018 Special Called City Council meeting, minutes of 24 September 2018 Regular City Council Meeting, minutes of 24 September 2018 Work Session, and minutes of 24 September 2018 Agenda Meeting.
2. Report of the Mayor
3. Public Participation – Agenda Items – (3 minutes maximum)
4. Council Comments
5. **Final Adoption** – Ordinance – Amend Zoning Ordinance No. 1253. Request to zone the property of LA Development, LLC to Planned Unit Development concurrent with annexation into the City of Fairhope. This property is generally located on the north side of County Road 44, approximately 900 linear feet west of State Highway 181, Fairhope, Alabama. A Portion of PPIN #362500, 362501, 362502, 362503, 362504, 362505, 362506, and 77747. Twin Beech Estates PUD. (Introduced at the September 24, 2018 City Council Meeting)
6. Ordinance – An Ordinance to Repeal and Replace Ordinance No. 1176, Ordinance No. 1222, and Ordinance No. 1531, Known as The City of Fairhope’s Lodging Tax Ordinance.
7. Resolution – Reject all Bids for Erosion Control and Stabilization of Rock Creek for the Public Works Department (Bid No. 033-18); and authorize to negotiate a contract with the one bidder.
8. Resolution – That the City of Fairhope has voted to purchase Annual Maintenance Agreement for the Dispatch Console, Field Implementation Service, and System Upgrade for the Radios used by the Fairhope Volunteer Fire Department; from Motorola Solutions, Inc. as Sole Source Distributor; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13). The cost will be \$24,180.88.
9. Resolution – That the City Council approves the selection of Mott MacDonald, LLC to perform Professional Engineering Services and Feasibility Study of Hardening of Pre-Existing Metal Building at Pecan Street (RFQ No. PS032-18); approves and accepts the not to exceed amount of \$9,500.00; and hereby authorizes Mayor Karin Wilson to execute a contract with Mott MacDonald, LLC for same.
10. Resolution – That the City Council approves the selection of HRG - Hudson Reed Group to Professional Architectural Design Services for Renovation of Pecan Street Building for Offices (RFQ No. PS031-18); approves and accepts the not to exceed amount of \$9,000.00; and hereby authorizes Mayor Karin Wilson to execute a contract with HRG - Hudson Reed Group for same.

11. Resolution – That Councilman Burrell is hereby authorized to negotiate a continuing contract with the law firm of Jones Walker LLP. Legal services performed by the firm after the date of this resolution, shall be limited to claims that are covered by insurance. Work and expenses related to any issue, potential claim and or matter that is not covered by the City’s insurance policies shall not be paid without prior express authorization of Council. Notwithstanding, the City Attorney at his discretion may utilize the services of Jones Walker LLP after proper notice to the Mayor and Council President and may include but not limited to attendance at certain Planning Commission meetings.
12. Resolution – That the City of Fairhope has voted to award a Three-Year Lease-Purchase of Golf Course Mower and Utility Vehicles for the Golf Department; and the equipment is available for direct procurement through the Sourcewell Purchasing Coop; and therefore, does not have to be let out for bid. This has been nationally bid through the Sourcewell’s bid process. The total cost will be \$202,492.44 or \$5,624.79 per month.
13. Resolution – That the City of Fairhope has voted to repair the Backup 3-Phase 1000KVA Transformer for the Electric Department; and authorizes procurement without formal bid based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7). The cost will be \$11,418.34.
14. Resolution – That Mayor Karin Wilson is hereby authorized to execute a Contract with Dockwa, Inc. for utilization of Dockwa Marina Reservation Management Software – Dockwa Basic Public Listing on the Dockwa Network (mobile apps and Dockwa.com for Fairhope Docks.
15. Resolution – That the City of Fairhope elects to keep Ordinance No. 1471 in place and will not be participating in the Severe Weather Preparedness Tax Holiday.
16. Resolution – That the City of Fairhope hereby adopts and approves the section of the Community Development Budget for the FY 2018-2019 which only applies to City Events and City Sponsored Events.
17. Appointment – Marina Manager Sean Saye – City Liaison to Harbor Board
18. Application for a Beer/Wine On/Off Premises License by Elizabeth Hammock, for CAVU16, LLC, d/b/a The Mill, located at 85 N. Bancroft Street, Suite A, Fairhope, Alabama.
19. Request – Patricia Lee, Founder and International Program Director, requesting the approval to have their “The Indian Festival of Lights” on Saturday, November 3, 2018 from 5:00 p.m. to 7:00 p.m. in Fairhoper’s Community Park in Downtown Fairhope.
20. Public Participation – (3 minutes maximum)

21. Executive Session -To discuss pending litigation and possible settlement options regarding said pending litigation; and the consideration the City is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. The discussions could have a detrimental effect upon the competitive position of the City in the negotiations if the matter was discussed in public.
22. Adjourn

**City Council Work Session - 4:00 p.m.
on Monday, October 8, 2018 – Council Chambers**

**City Council Agenda Meeting - 5:30 p.m.
on Monday, October 8, 2018 – Council Chambers**

Next Regular Meeting – Monday, October 22, 2018 - Same Time and Place

STATE OF ALABAMA)
 :
COUNTY OF BALDWIN)(

The City Council met in an Agenda Meeting at 5:30 p.m.,
Fairhope Municipal Complex Council Chamber,
161 North Section Street, Fairhope, Alabama 36532,
on Monday, 24 September 2018.

Present were Council President Jack Burrell, Councilmembers: Jay Robinson,
Jimmy Conyers, Robert Brown and Kevin Boone, Mayor Karin Wilson, City Attorney
Marcus E. McDowell, and City Clerk Lisa A. Hanks.

Due to the Work Session Agenda Items needing more time for an extensive
discussion, the Agenda Meeting was not held.

Jack Burrell,, Council President

Lisa A. Hanks, MMC
City Clerk

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, 24 September 2018.

Present were Council President Jack Burrell, Councilmembers: Jay Robinson, Jimmy Conyers, Robert Brown, and Kevin Boone, Mayor Karin Wilson, City Attorney Marcus E. McDowell, and City Clerk Lisa A. Hanks.

There being a quorum present, Council President Burrell called the meeting to order. The invocation was given by Councilmember Kevin Boone and the Pledge of Allegiance was recited. Councilmember Brown moved to approve minutes of the 5 September 2018, special City Council meeting, minutes of the 10 September 2018, regular meeting; minutes of the 10 September 2018, work session; and minutes of the 10 September 2018, agenda meeting. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Mayor Wilson addressed the City Council regarding the following items:

- 1) Attended the Women’s Mayors Conference in Washington, D.C.;
- 2) Introduced the new Marina Manager: Sean Saye;
- 3) Introduced the new Museum Director: Philip Bowlin;
- 4) Presented Proclamation to the Fairhope Elementary Third Grade Teachers for their reading grades and being awarded with \$20,000.00 for the school from the State of Alabama;
- 5) Introduced the Fairhope Junior City Council and pinned them with a Fairhope pin;
- 6) Charlene Lee with the Walking School Bus program thanked the Mayor and City Council for their support. She said there is no other program in the State of Alabama. Ms. Lee commented this is our 6th year with excess of 100 students every day. She said October 10, 2018 is International Walk to School Day; and mentioned to arrive at the Fairhope Public Library between 7:10 a.m. to 7:15 a.m.

Councilmember Robinson announced the Common Sense Campaign forum on the proposed change of government will be held at the Fairhope Public Library tomorrow night at 5:30 p.m. He said this is to educate citizens on the new form of government and explain what this would do for Fairhope.

24 September 2018

Councilmember Conyers mentioned the Third Graders and this great accomplishment. He commented that all of the kids are talented on this Fairhope Junior City Council. Councilmember Conyers said he attended the meetings of the Library Board, Historic Preservation Committee, and Fairhope Environmental Advisory Board. He said the FEAB discussed the Mobile Bay National Estuary Program and their Fly Creek Watershed Management study.

Councilmember Brown commented even if MBNEP does a study, he still wants details on Fly Creek anyway. He stated that the 3rd Grade Reading Program was provided by City's funding helped through the Education Advisory Committee.

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 zone the property of LA Development, LLC to Planned Unit Development concurrent with annexation into the City of Fairhope. This property is generally located on the north side of County Road 44, approximately 900 linear feet west of State Highway 181, Fairhope, Alabama. A Portion of PPIN #362500, 362501, 362502, 362503, 362504, 362505, 362506, and 77747. Twin Beech Estates PUD. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance.

Planner Buford King briefly explained the proposed ordinance.

Council President Burrell opened the Public Hearing at 6:35 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:36 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the October 8, 2018 City Council meeting.

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope adopts the entirety of 2 CFR 200, Subpart D - Post Federal Award Requirements of the Code of Federal Regulations as the governing document for the Financial and Program Management (Compliance) of all RESTORE Act of 2012 Grants received by the City of Fairhope; that 2 CFR 200, Subpart D - Post Federal Award Requirements of the Code of Federal Regulations is hierarchal to Municipal and State Procurement Laws, Regulations and Policies and the stricter of the three shall govern with no exception; and that City Treasurer, Finance Director, and Purchasing Manager, in conjunction with the selected Grant Administrator, shall produce and have adopted written policies to insure complete compliance with 2 CFR 200, Subpart D - Post Federal Award Requirements of the Code of Federal Regulations. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

24 September 2018

RESOLUTION NO. 3174-18

WHEREAS, the City of Fairhope has applied to the Alabama Gulf Coast Recovery Council (AGCRC) for grant funding made available by the RESTORE Act of 2012 (Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act) and;

WHEREAS, it is a requirement that City governments utilizing RESTORE Act funds comply with 2 CFR 200, Subpart D - Post Federal Award Requirements of the Code of Federal Regulations for Financial and Program Management (Compliance) and;

WHEREAS, it is a requirement that City governments utilizing RESTORE Act funds comply with 2 CFR 200.317-326 – Procurement Standards of the Code of Federal Regulations for all Grant Procurements and;

NOW, THEREFORE IT BE RESOLVED that the City of Fairhope adopts the entirety of 2 CFR 200, Subpart D - Post Federal Award Requirements of the Code of Federal Regulations as the governing document for the Financial and Program Management (Compliance) of all RESTORE Act of 2012 Grants received by the City of Fairhope.

BE IT FURTHER RESOLVED, that 2 CFR 200, Subpart D - Post Federal Award Requirements of the Code of Federal Regulations is hierarchal to Municipal and State Procurement Laws, Regulations and Policies and the stricter of the three shall govern with no exception.

BE IT FURTHER RESOLVED, that City Treasurer, Finance Director, and Purchasing Manager, in conjunction with the selected Grant Administrator, shall produce and have adopted written policies to insure complete compliance with 2 CFR 200, Subpart D - Post Federal Award Requirements of the Code of Federal Regulations.

DULY ADOPTED THIS 24TH DAY OF SEPTEMBER, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

24 September 2018

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope authorizes the formation of a Selection Committee that will be responsible for ensuring that the laws, rules and regulations applicable to the RESTORE Act of 2012 will be followed in the selection and award of contractors; that the Selection Committee will be comprised of the Mayor of Fairhope, a City of Fairhope Council Member, the Public Works Director, the Planning and Development Director, the Operations Director, and the Economic and Community Development Director; and that the Selection Committee will present recommendations for the award of all contracts to the City Council and all contract awards will be made by the Mayor and City Council. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 3175-18

WHEREAS, the City of Fairhope has applied to the Alabama Gulf Coast Recovery Council (AGCRC) for grant funding made available by the RESTORE Act of 2012 (Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act) and;

WHEREAS, it is a requirement that City governments utilizing RESTORE Act funds comply with procurement methods allowable under 2 CFR 200.317-326 of the Code of Federal Regulations for the selection and award of contractors and;

NOW, THEREFORE IT BE RESOLVED that the City of Fairhope authorizes the formation of a Selection Committee that will be responsible for ensuring that the laws, rules and regulations applicable to the RESTORE Act of 2012 will be followed in the selection and award of contractors to be paid with RESTORE Act Grant Funds;

BE IT FURTHER RESOLVED, that the Selection Committee for the RESTORE Act of 2012 Grant Project Contracts will be comprised of the Mayor of Fairhope, a City of Fairhope Council Member, the Public Works Director, the Planning and Development Director, the Operations Director, and the Economic and Community Development Director.

BE IT FURTHER RESOLVED, that the Selection Committee will present recommendations for the award of all contracts to be paid for with RESTORE Act Grant Funds to the City Council at regularly scheduled Council Meetings and all contract awards will be made by the Mayor and City Council.

DULY ADOPTED THIS 24TH DAY OF SEPTEMBER, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

24 September 2018

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has adopted a Policy regarding Standards of Conduct that complies with the applicable laws, rules and regulations that apply to the RESTORE Act Funds; and that a copy of this policy is attached to this Resolution, will be kept on file at the Fairhope City Hall and will be available for review by the public as requested. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

RESOLUTION NO. 3176-18

**AUTHORIZING THE ADOPTION OF A STANDARDS OF CONDUCT
POLICY THAT COMPLIES WITH THE RESTORE ACT OF 2012**

WHEREAS, the City of Fairhope has applied to the Alabama Gulf Coast Recovery Council (AGCRC) for grant funding made available by the RESTORE Act of 2012 (Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act) and;

WHEREAS, it is a requirement that City governments utilizing RESTORE Act funds adopt and implement a Policy regarding Standards of Conduct that relate to the selection and award of contracts supported by federal funds; and

NOW, THEREFORE IT BE RESOLVED that the City of Fairhope has adopted a Policy regarding Standards of Conduct that complies with the applicable laws, rules and regulations that apply to the RESTORE Act Funds; and

BE IT FURTHER RESOLVED that a copy of this policy is attached to this Resolution, will be kept on file at the Fairhope City Hall and will be available for review by the public as requested.

DULY ADOPTED THIS 24TH DAY OF SEPTEMBER, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

24 September 2018

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope is authorized to enter into a partnership with the Fairhope Yacht Club for the dredging of the Channel leading to Fly Creek Harbor with a fifty/fifty match; the City will let bids for the Project; and for the Mayor to execute a Partnership Agreement. The motion was seconded by Councilmember Conyers. City Attorney McDowell explained FEMA funds and why the City should manage this project. Special Projects Manager Lynn Maser said that the City will bid out project. Council President Burrell thanked the Fairhope Yacht Club for partnering with the City. After further discussion, motion passed unanimously by voice vote.

RESOLUTION NO. 3177-18

WHEREAS, Fly Creek is a significant natural resource for the City of Fairhope; and

WHEREAS, the Fly Creek basin represents the only navigable, protected harbor within the City of Fairhope; and

WHEREAS, the City Council supports the dredging of the Channel leading to Fly Creek and will let bids for this project; and

WHEREAS, By the City of Fairhope sharing of the cost of the dredging of the Fly Creek Harbor Channel with other parties will insure safe and continuous public water access to all citizens and visitors needing to navigate Fly Creek, its basins, harbors, and shores; and

WHEREAS, the City of Fairhope is desirous to partner with the Fairhope Yacht Club for the dredging of the Channel in Mobile Bay at Fly Creek project. The partnership will be a fifty/fifty match.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, That the City of Fairhope is authorized to enter into a partnership with the Fairhope Yacht Club for the dredging of the Channel leading to Fly Creek Harbor with a fifty/fifty match; the City will let bids for the Project; and for the Mayor to execute a Partnership Agreement.

ADOPTED ON THIS 24TH DAY OF SEPTEMBER, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

24 September 2018

Councilmember Brown introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Karin Wilson is hereby authorized to execute Extension No. 2 of the Contract with SiteOne Landscaping Supply for Perennial Rye Grass Three-Way Blend See for Sports Fields (Bid Number 033-16) for an additional one year as per the terms and conditions of the original contract. The approximate annual cost will be \$25,000.00. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

RESOLUTION NO. 3178-18

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Karin Wilson is hereby authorized to execute Extension No. 2 of the Contract with SiteOne Landscaping Supply for Perennial Rye Grass Three-Way Blend See for Sports Fields (Bid Number 033-16) for an additional one year as per the terms and conditions of the original contract. The approximate annual cost will be \$25,000.00.

Adopted on this 24th day of September, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution to Procure Fitness Equipment for the Recreation Center (Rebid No. 024-18); and the equipment is available for direct procurement through the Sourcewell Purchasing Coop; and therefore, does not have to be let out for bid. This has been nationally bid through the Sourcewell's bid process. The cost will be \$54,348.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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24 September 2018

RESOLUTION NO. 3179-18

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

[1] That the City of Fairhope has voted to procure Fitness Equipment for the Recreation Center (Rebid No. 024-18); and the equipment is available for direct procurement through the Sourcewell Purchasing Coop; and therefore, does not have to be let out for bid. This has been nationally bid through the Sourcewell's bid process. The cost will be \$54,348.00.

Adopted on this 24th day of September, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution to Award RFQ for the Bayview Avenue Sewer Main Repair Asphalt Paving for the Sewer Department to Ammons & Blackmon Construction, LLC with a total cost of \$29,200.35. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

RESOLUTION NO. 3180-18

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

[1] That the City of Fairhope did request and receive quotes for the Bayview Avenue Sewer Main Repair Asphalt Paving for the Sewer Department at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[2] After evaluating the quotes, the City of Fairhope approves the procurement for the Bayview Avenue Sewer Main Repair Asphalt Paving for the Sewer Department from Ammons & Blackmon Construction, LLC with a total cost of \$29,200.35.

Adopted on this 24th day of September, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

24 September 2018

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that City of Fairhope finds that the Eastern Shore Repertory Theatre, Inc. serves a vital public purpose and benefit for the Fairhope Community; authorizes Councilmember Robert Brown to negotiate and execute a contract for the use and installation of all necessary barricades for use at Henry George Park in exchange for the services it provides and continues to provide to the Fairhope Community. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

RESOLUTION NO. 3181-18

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby sets the Park and Street Usage Fees for Eastern Shore Repertory Theatre, Inc. for its April 28, 2019 to May 5, 2019 production of “Matilda” (tentatively) at Henry George Park. The Park rental fee shall be \$675.00 (\$1,350.00 reduced by the 50% exemption for a non-profit) for the time frame requested. There shall be a one-time electric/water fee of \$50.00, a \$525.00 fee for additional hours usage (\$1,050.00 reduced by 50% exemption for a non-profit), and a refundable \$1,000.00 clean up deposit paid to the City. The total balance due is \$2,250.00. On presentation of payment to the City, all necessary permits for the use of Henry George Park shall be issued without delay.

FURTHERMORE, the City Council finds the following with regard to Eastern Shore Repertory Theatre, Inc. (hereinafter “ESRT”):

ESRT provides funding and scholarships to National Theatre programs;

ESRT provides need based scholarships for non-ESRT members to attend Summer Theatre Camp for free;

ESRT provides funding to students that cannot otherwise afford standard membership fees or costs;

ESRT provides free tickets to the non-profit girl’s home, Under His Wings;

ESRT has donated a Bluff Scholarship for the Georgia Byrd fund;

ESRT sponsors a local community service project to clean the Fairhope Bluff area;

FURTHERMORE, as the proposed Disney production promotes the performing arts in our community and allows multiple opportunities for the youth of Fairhope to be part of the proposed Disney Production, the City Council finds that ESRT serves a vital public purpose and benefit for the Fairhope community. As such, the City Council authorizes Councilmember Robert Brown to negotiate and execute a contract for the use and installation of all necessary barricades for use at Henry George Park in exchange for the services it provides and continues to provide to the Fairhope Community.

ADOPTED ON THIS 24TH DAY OF SEPTEMBER, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

24 September 2018

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the request from the Baldwin County Home Builders Association to place tasteful directional signs to assist the public in finding the homes they wish to view during their annual Parade of Homes scheduled for two weekends: September 29, 2018 and September 30, 2018; and October 6, 2018 and October 7, 2018. These signs are not allowed to be placed in the City of Fairhope's flower beds. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

RESOLUTION NO. 3182-18

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope approves the request from the Baldwin County Home Builders Association to place tasteful directional signs to assist the public in finding the homes they wish to view during their annual Parade of Homes scheduled for two weekends: September 29, 2018 and September 30, 2018; and October 6, 2018 and October 7, 2018. These signs are not allowed to be placed in the City of Fairhope's flower beds.

ADOPTED THIS 24TH DAY OF SEPTEMBER, 2018

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 the City of Fairhope has voted to procure A/C Unit for Boys and Girls Club Gym; and the unit is available for direct procurement through the U. S. Communities Government Purchasing Alliance; and therefore, does not have to be let out for bid. This has been nationally bid through the U. S. Communities' bid process. The cost will be \$8,736.00 and it is not a budgeted item. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

24 September 2018

RESOLUTION NO. 3183-18

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

[1] That the City of Fairhope has voted to procure A/C Unit for Boys and Girls Club Gym; and the unit is available for direct procurement through the U. S. Communities Government Purchasing Alliance; and therefore, does not have to be let out for bid. This has been nationally bid through the U. S. Communities' bid process. The cost will be \$8,736.00 and it is not a budgeted item.

Adopted on this 24th day of September, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

Councilmember Boone moved to amend the following resolution by staying the notice of termination of the contract leaving four days on the 30-day notice of termination that remain in place; and authorize the Engineer of Record to amend the contract and increase the amount of liquidated damages to \$2,000.00 per day for any delays past December 31 2018. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution as amended, a resolution that the City Council hereby stays the notice of termination of the contract with Utility Service Company. There are four days that otherwise remain on the 30-day notice of termination that remain in place. The City Council authorizes the Engineer of Record to amend the contract and increase the amount of liquidated damages to \$2,000.00 per day for any delays past December 31, 2018. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

24 September 2018

RESOLUTION NO. 3184-18

WHEREAS, on the 23rd day of October, 2017, the City of Fairhope adopted Resolution No. 2911-17 to award bid for the Painting of Two Million Gallon Water Tower to Utility Service Company, Inc.; and

WHEREAS, on the 27th of August, 2018, the City of Fairhope adopted Resolution No. 3155-18 authorizing the Engineer of Record to send a 30-day notice to terminate the contract with Utility Service Company, Inc. pursuant to Section 3.3 “Right of the City to Terminate Contract;” and allows after 30 days for the City to terminate contract and proceed according to the terms of the contract which includes Calling the Bond;” and

WHEREAS, the City of Fairhope is desirous to stay the notice of termination of the contract with Utility Service Company; and

WHEREAS, the City of Fairhope hereby amends the contract to increase the amount of liquidated damages in the amount to \$2,000.00 per day for any delays past December 31, 2018.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council hereby stays the notice of termination of the contract with Utility Service Company. There are four days that otherwise remain on the 30-day notice of termination that remain in place. The City Council authorizes the Engineer of Record to amend the contract and increase the amount of liquidated damages to \$2,000.00 per day for any delays past December 31, 2018.

Adopted on this 24th day of September, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

Councilmember Boone moved to grant the request of Amanda Bacon with FurrEver Homes Rescue requesting permission to close the streets in downtown Fairhope on October 25, 2018, from 4:00 p.m. to 8:00 p.m. for the Fairhope Witches Ride to raise money for FurrEver Homes Animal Rescue, a 501(c)(3) Corporation. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

24 September 2018

Councilmember Boone moved to grant the request of Ted and Rene Mashburn requesting permission to close Atkinson Lane on Saturday, October 13, 2018 from 7:00 a.m. to midnight from the corner of Atkinson Lane at North Summit Street and continue for 250 feet between Carlton, Allen, and Mashburn residences. No other properties will be affected by the closure as there are two other exits on the street (Boise Lane and Bayview). This is for a neighborhood social to held at 6:00 p.m. to 10:00 p.m. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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

- 1) Bob Riggs, 114 Chestnut Ridge, addressed the City Council regarding the purchase agreement with the Baldwin County Board of Education (“BCBE”). He commented this is great news; and the property cannot be used for commercial use until 15 years. Mr. Riggs said BCBE’s contributions are recognized. He thanked Council President Burrell and Councilmember Conyers for being lead on negotiations and for their leadership.
- 2) Erik Cortinas, on behalf of the Fairhope Pirate Booster Club, addressed the City Council and reminded everyone of the Fairhope and Daphne game this week.

Councilmember Robinson 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 7:03 p.m.

Jack Burrell, Council President

Lisa A. Hanks, MMC
City Clerk

STATE OF ALABAMA)(
 :
COUNTY OF BALDWIN)(

The City Council met in a Work Session/Budget Meeting at 4:00 p.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Monday, 24 September 2018.

Present were Council President Jack Burrell, Councilmembers: Jay Robinson, Jimmy Conyers, Robert Brown and Kevin Boone, Mayor Karin Wilson, City Attorney Marcus E. McDowell, and City Clerk Lisa A. Hanks.

Council President Burrell called the meeting to order at 4:00 p.m.

The following topics were discussed:

- Mayor Wilson addressed the City Council and presented a Power Point presentation for the overall budget. (See attached) Council Burrell questioned if the K-1 Center, Nix Center, and park property purchase was included in the budget. Mayor Wilson said there is a lodging tax increase included; and our Police Jurisdiction needs to be looked at for the future. She said we need a “Rainy Day Fund” for our Utilities.

Councilmember Brown said to proceed with utility infrastructure and Council in onboard to move forward. City Treasurer Michael Hinson presented the cash accounts. Mayor Wilson mentioned the proposed new positions, merits raises, and promotions. She also mentioned moving the pay grades five percent across the board. Councilmember Conyers said private and public sectors are not the same; and a hybrid would work for the City. Council President Burrell agreed a hybrid is the best.

Mayor Wilson says the process is us causing employees to leave. Councilmember Robinson replied the process is slow to make sure it is done correctly. Mayor Wilson said these are self-imposed processes; and not the standard process for most Cities.

Operations Director Richard Peterson addressed the City Council regarding employees and pay scales. He also mentioned several employees leaving due higher paying jobs.

Councilmember Robinson told the Department Heads they can meet with him to discuss the process; and stated this is supply versus demand. Council President Burrell said the compensation was updated in 2015 and is dated. Public Works Director Richard Johnson stated the merit raises meant something to employees; and in Daphne a “COLA” always moved the pay grades.

Councilmember Robinson reiterated he would meet with anyone regarding the processes; and said the rules are burdensome. Mr. Johnson commented we let hourly employees use a \$250,000.00 piece of equipment, but \$2,500.00 is my limit so needs to earn trust.

Councilmember Robinson stated we need to focus on new employees and other needs. Councilmember Conyers commented he agreed we need infrastructure and a Rainy Day Fund for Utilities; but we do not need to increase rates. He said allocation has changed to other departments; and the organization is better and we are strong financially.

Finance Director Jill Cabaniss addressed the City Council and asked that they please look at the resolution for merit raises and cost of living before adopting because it was a nightmare last year. She said to make sure these are your intentions. Council President Burrell replied he knew this would take more time for you, but he wanted to make it fair for the employees. Councilmember Boone stated we will spend more money than budgeted.

- Public Works Director Richard Johnson addressed the City Council regarding the Pecan Avenue building. He commented that there would be an assessment and feasibility study for the building. Mr. Johnson said this would be a central business area with a collaborated department space. He said building could hold up to 30 t 35 offices in the building.
- Fire Chief Chris Ellis addressed the City Council and announced the Fairhope Volunteer Fire Department has received a AFG grant for air packs; \$345,000.00 which fund 50 air packs.
- Operations Director Richard Peterson addressed the City Council regarding AT&T and our tower. Council President Burrell asked if we could offer another site. Mr. Peterson replied we have offered a site to them twice. He said the painting of the water tank should be completed by December 1, 2018.
- Special Projects Manager Lynn Maser addressed the City Council regarding our new Marina Manager who the Mayor will introduce. She mentioned Tommy, a part-time marina worker, who has been getting compliments for his work at Fairhope Docks. She also mentioned a new roof over the docks.

There being no further business to come before the City Council, the meeting was duly adjourned at 5:55 p.m.

Jack Burrell, Council President

Lisa A. Hanks, MMC
City Clerk

Overview of 2019 Budget

SEPTEMBER 19, 2018 | SEPTEMBER 24, 2018 | ANDY G. DRISS | [FOLLOW](#)



When I took office in November of 2016, I spent the next several months separating the co-mingling of Utility funds with General City funds in addition to creating departments with their own revenue and expenses.

We now have a budget with much more accuracy, transparency and communication. The hard work has paid off too, as you can see in a previous blog post. **The financial health of the City has never been better.** The painstaking time invested to update past years' budget figures to easily compare to this new format has enabled us to see trends and better estimate projected expenses and income.

[2016 Budget Proposal](#)

[2019 Budget Proposal](#)

If you review the 2016 proposal link, you will see two columns: one for the previous year's budget and one for the current year's proposed budget. Where are the actual figures? Were we over budget? Under budget? The departments only included expense lines with no departmentalized revenue. It would be no different than you determining what you wanted to spend in a year without knowing how much money you were going to make. There is no adequate information and transparency to determine where we've been, where we are and where we want to go.

Even without the level of transparency and detail we have now, budgets miraculously passed on time.

Fiscal	Delivered	Passed	Timeframe	Notes
2007	9/5/2006	9/25/2006	20 days	
2008	9/6/2007	9/24/2007	18 days	
2009	9/15/2008	12/8/2008	2.8 months	New Term
2010	8/21/2009	9/28/2009	38 days	
2011	7/14/2010	9/27/2010	2.5 months	City Administrator in place and delivered early, passed before end of fiscal year
2012	8/19/2011	9/26/2011	38 days	
2013	10/12/2012	11/5/2012	24 days	New Term
2014	9/16/2013	10/14/2013	28 days	
2015	9/17/2014	9/29/2014	12 days	
2016	8/31/2015	10/12/2015	42 days	
2017	Feb-16	4/24/2017	2.5 months	New Term: Budget was totally redone with Dept Heads & Correcting Expenses in Ea Dept Presented budget by dept from June through Aug, delivered overall budget book early Sept
2018	Started 6/2017	1/22/2018	4.5 months	
2019	8/10/2018	?		

This year's draft budget was delivered on August 10th. Alabama municipalities operate on a traditional fiscal budgetary year versus the traditional calendar year. When municipal legislative bodies fail to pass a timely budget by October 1st, or there about, it results in many unforeseen impacts, issues and operational problems.

These unintended consequences of poor financial discipline run the gambit from day-to-day problems to long-term declines in morale and efficiency.

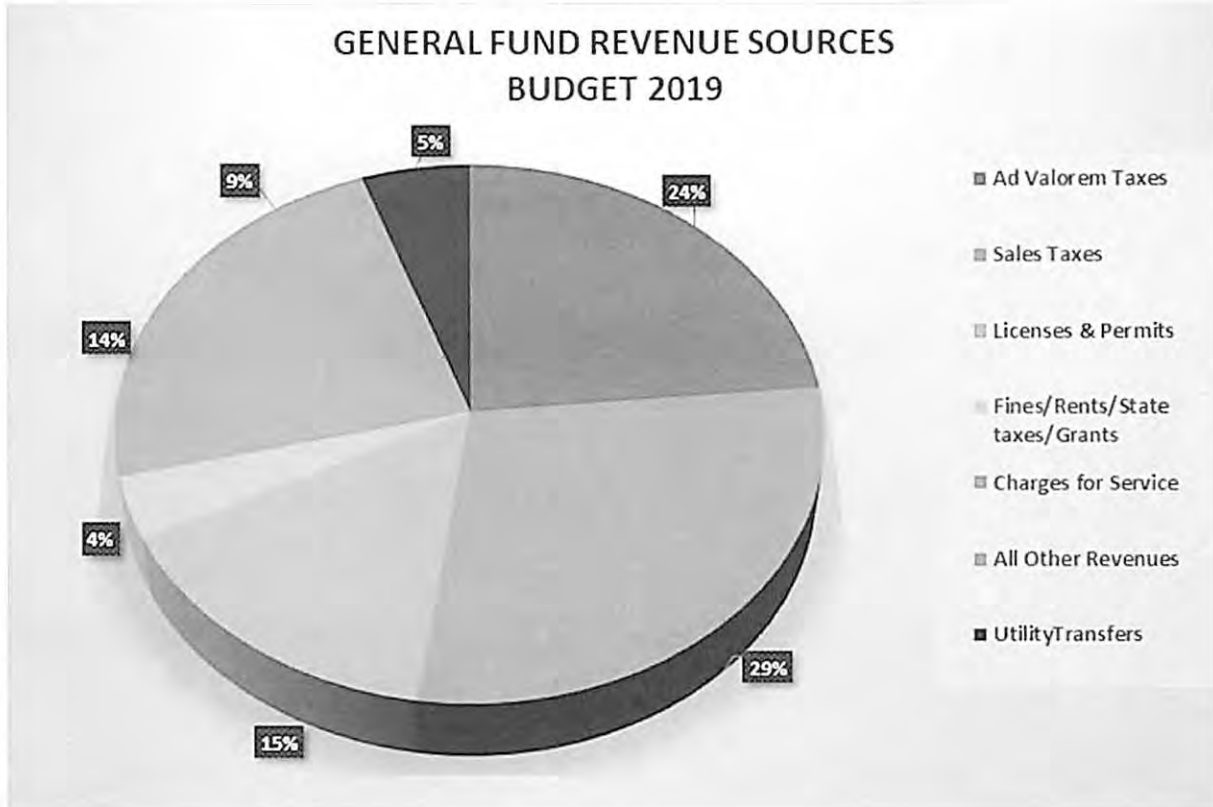
- Creates a "dead" period where City Staff cannot be proactive in planning, procuring and prepping Capital Projects, Equipment and Personnel.
- Skewed snapshot of year-to-year comparisons because the time-frame is not consistent.
- Cost taxpayers more in inefficiency and process

Example of how the delay affects the procurement of a capital purchase.

Below is the overview I was going to present during 9/18 special called meeting I requested to go over the budget with Council. Unfortunately, the meeting was changed to 9/19 and I'll be out of town at a Mayor's Conference. Consequently, I am taking the additional time to present these notes with the slides from the presentation in order to stay on schedule: An overview similar to the last two years (which has not been done in the past and not required in order to pass the budget).

Overview of 2019 Proposed Budget

CITY REVENUE



General Fund		
Revenues and Transfers		
Ad Valorem Taxes	7,534,100	23.5%
Sales Taxes	9,208,220	28.7%
Licenses & Permits	4,861,015	15.2%
Fines/Rents/State taxes/Grants	1,207,070	3.8%
Charges for Service	4,581,000	14.3%
All Other Revenues	2,953,800	9.2%
Utility Transfers	1,716,000	5.4%
	32,061,205	100.0%

Sales tax remains our largest source of income for the City. It is important to invest in ways to increase this revenue with shop local campaigns and initiatives with investment in ways to capitalize on the tourism we already have and enhance community events which drive local business.

Property Taxes are our second largest source of income, incentivizing annexation and increasing the benefits for those who live inside our municipal limits (our voters) is critical.

2018	<u>Council</u> <u>Passed</u>	<u>Mayor</u> <u>Proposed</u> <u>Budget</u>	<u>Without Sales</u> <u>Tax</u> <u>Amendment</u>
Utility Transfers	\$ 3,181,000	\$ 3,181,000	\$ 1,941,403
Total Expenditures	\$ 31,689,945	\$ 29,657,439	\$ 29,830,890
SURPLUS (DEFICIT)	\$ (517,553)	\$ 1,050,326	\$ 101,905

If the budget passed as presented, final numbers in BLUE which would have:

- ~ Met Expense projection
- ~ Required less money from Utilities
- ~ Surplus

As the leading revenue stream, sales tax needs to be used to operate the City to reduce its need for unnecessary utility subsidy. We exceeded revenue projection in 2018 with \$8.69 million, a 17% increase since 2016.

Council, by local ordinance, appropriates 25% of sales tax income to City Debt Reduction and 25% to Capital Project funding. Although the proposed 2018 budget only included \$173k for capital purchases, the ordinance was not updated resulting in over \$2MM being transferred unnecessarily to the fund. Subsequently, the City showed a deficit in 2018 and required needless utility transfers.

I recommend amending this ordinance by deleting the requirement for sales tax use for capital projects as we have the cash account available to pay for the project and reduce amount for City debt reduction to \$460k in 2019 & 2020. City debt will be paid in full. The City needs to use these funds to be fully independent of any Utility subsidy.

The sooner we eliminate the need for our utilities to prop up the City financially, the sooner we can use this same funding for quality of life and community development.

Lodging Tax

- Propose Increase from 4% to 7%
- Fairhope is the one of the lowest % in Baldwin County
- Paid by visitors and is an expected expense.
- This rate is the same as Foley, Spanish Fort and Elberta
- Increases income by ~43% (only 30% increase in budget)
- Use a portion to fund Downtown Improvements & Tourism
- Helps the City become financially self-reliant
- Reduces dependence on Utility subsidy

Increasing lodging tax will bring in an income stream we could earmark for downtown improvements and other areas which drive the tourists to our area and further increase the lodging and sales tax income. This is a tax that does not come out of taxpayer wallets.

Impact Fees

- Average used since 2014 ~ \$600k a year
- Estimated Balance \$2.3MM
- Proposed 2019 Use for Police, Fire, Streets, Parks & Rec \$968k
- Estimated 2019 Projected Revenue ~\$1.1MM - *(Conservative since it does not include the new increases from the most recent Impact study)*
- Must use or lose

With the 2019 budget, The City will have reduced its reliance on our Utility subsidy by 70%. The City relied on an average of \$5.27MM from our utility department until this term.

This is an unprecedented improvement.

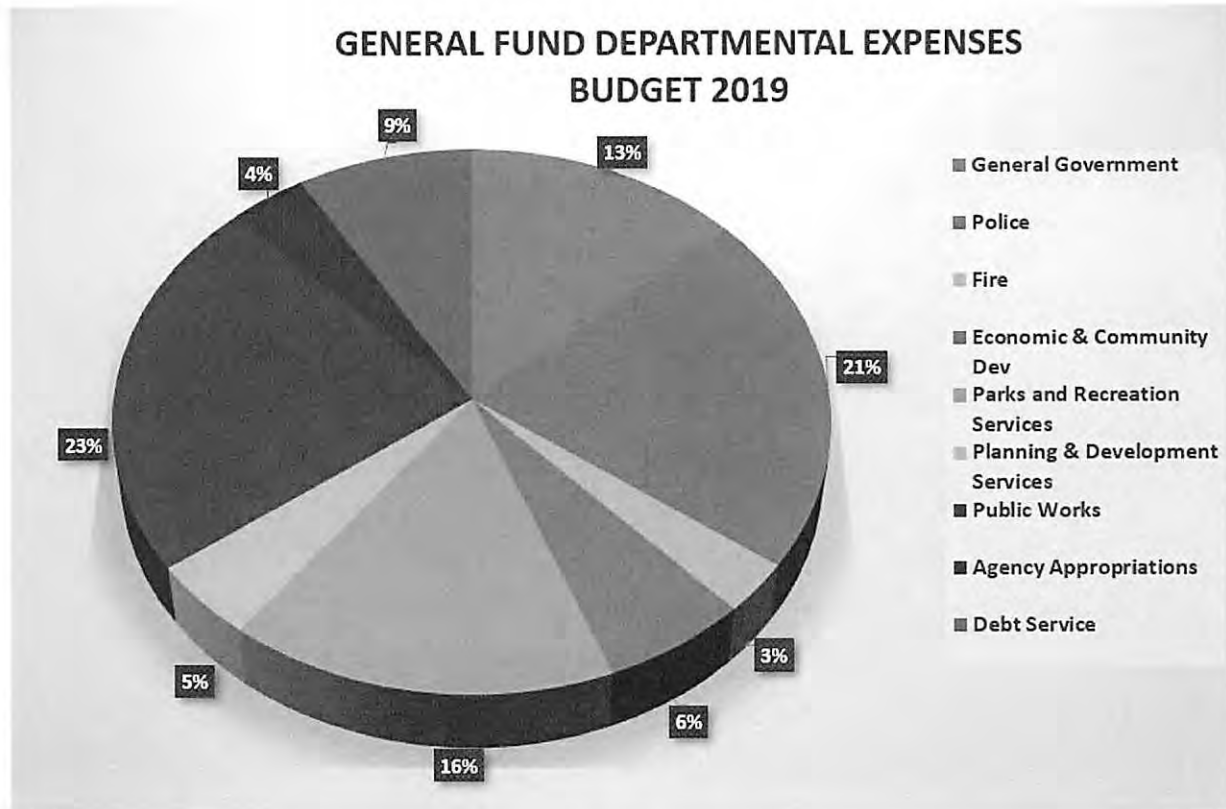
The goal will be to bring the subsidy to zero and use these funds instead for the good of the community.

Utility Subsidy to City Since 2012

<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
\$6,094,493	\$5,163,145	\$5,576,865	\$4,269,206
<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
\$5,748,308	\$2,719,583	\$3,181,000	\$1,716,000

**The City has reduced its need for a
Utility Subsidy Significantly**

CITY EXPENSES



General Government	4,383,000	13.5%
Police	6,954,374	21.4%
Fire	983,589	3.0%
Economic & Community Dev	2,001,026	6.2%
Parks and Recreation Services	5,256,379	16.2%
Planning & Development Services	1,471,577	4.5%
Public Works	7,388,614	22.8%
Agency Appropriations	1,231,077	3.8%
Debt Service	2,776,007	8.6%
	32,445,643	100.0%

UTILITY NET EARNINGS

Utility Net Earnings	Actual 2016	Actual 2017	Budget 2018	Projected 2018	Proposed Budget 2019
ELECTRIC	\$ 2,829,509	\$ 1,034,053	\$ 2,958,005	\$ 3,135,687	\$ 3,256,921
GAS	\$ 1,289,561	\$ 707,732	\$ 1,098,077	\$ 1,566,525	\$ 1,443,813
WATER	\$ 2,316,082	\$ 2,625,612	\$ 2,423,304	\$ 2,969,729	\$ 3,177,305
SEWER	\$ 327,516	\$ (90,881)	\$ 122,970	\$ 272,309	\$ 339,107
TOTAL	\$ 6,762,668	\$ 4,276,516	\$ 6,602,356	\$ 7,944,250	\$ 8,217,146

UTILITY INFRASTRUCTURE OVERVIEW

5 YEAR CAPITAL IMPROVEMENT PLAN

Sewer \$6.855,000

- Two transmission projects for sewer = \$2,000,000 ea.
- New lift station at Fels and Mobile St. = approx. \$250,000
- Mapping upgrades = \$50,000 to \$75,000
- Study for the Grand Hotel = \$25,000 to \$30,000
- Three future force main projects and at least one major pump station project = approx. \$2,500,000

Water \$6,230,000

- Add a production facility and connecting transmission mains = \$4,000,000.
- System modeling and connect the balance of our production facilities with SCADA to balance system pressures and production min = \$250,000
- Potential transmission mains = ~\$1,000,000.
- Complete Fairhope Avenue water tank at \$980,000.

Gas \$5,000,000

- Replace 16 miles of cast iron main = \$4,000,000.
- Work on exposed transmission mains min = \$1,000,000

Electric \$11,500,000

Agreed in 2017 to go with an option which addresses an overall upgrade (recommended from a 2016 study)

- Substation upgrade project = \$9,000,000
- Relocate the Fairhope Substation = \$1,000,000
- Upgrade to the 46,000-volt transmission line = \$1,000,000
- We have a pole maintenance contract in the works that we anticipate will cost as much as \$500,000 by the time we get all the poles replaced that are identified as in poor condition.

All total, the probable spending needs over the next 5 years will be approximately \$31MM (including facility remodel).

The \$21,000,000 dollars our Operation Director, Richard Peterson, proposed last year was assessed after only a few months on the job. He has better identified overall needs. It will be like a remodel, we won't know exactly what to expect until we get started!

	2019	2020	2021	2022	2023
SEWER	\$ 1,500,000	\$ 2,500,000	\$ 1,750,000	\$ 570,000	\$ 535,000
WATER	\$ 100,000	\$ 1,750,000	\$ 2,500,000	\$ 1,500,000	\$ 380,000
GAS	\$ 575,000	\$ 1,425,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
ELECTRIC	\$ 1,500,000	\$ 6,500,000	\$ 2,250,000	\$ 750,000	\$ 500,000
TOTAL	\$ 3,675,000	\$ 12,175,000	\$ 7,500,000	\$ 3,820,000	\$ 2,415,000

A proposed rate & fee increase was included in the 2018 budget but it was taken out. In order for us to maintain quality service with experienced staff and infrastructure/rehabilitation upgrades without borrowing money, this must be addressed. We are addressing 50 years of neglect and hope to put our utilities in a proactive position in the future. **The same rate & fee increases have been proposed for 2019 (with a reduction in the proposed increase for irrigation systems) even though the estimated price tag has gone up 50%.** At the very least, there needs to be a staged approach to the rate increase to pay for all of this.

LIST OF ALL CASH ACCOUNT BALANCES CITY & UTILITIES

- Increased the cash account balances by 50%: From ~\$30 million to ~\$45 million = +\$15 million.
- Decreased the City's debt by 46% from \$6.83 million to \$3.68 million = -\$3.15 million *The City of Fairhope debt is now on track to be paid off by 2020*
- Decreased the Utility Department debt by 21% from ~\$19 million to ~\$15 million = -\$4 million

PERSONNEL PROPOSED NEW POSITIONS

Cost of Living Adjustment (COLA) has historically been the main increase city employees have been rewarded. Whether it's called COLA or across the board raises, the result is everyone is treated the same and exemplary performance is not rewarded. I am a proponent of Merit Performance Based Raises to retain and reward standout employees. This has not been supported and for the last 2 years there has been NO meaningful merit increases and we are losing valuable staff as a result.

EMPLOYEE RAISES	2014	2015	2016	THIS TERM	
				2017	2018
ACROSS THE BOARD RAISE	328,661	273,871	214,609	200,226	183,633
MERIT/PROMOTION	189,071	147,305	256,352	-	61,211
TOTAL	517,732	421,176	470,961	200,226	244,844
GROSS SALARY	12,312,930	12,698,854	13,609,306	13,577,000	14,561,615
% OVERALL INCREASE	4%	3%	4%	2%	2%
~ The total % of overall increase is around half since 2017 ~ The COLA (Across the Board Raises) has prevented meaningful raises for exemplary employees ~ What passed in 2017 was a 2% COLA and in 2018: A 1.5% COLA with .5% MERIT for Hourly employees and a 1% COLA with a 1% MERIT for salaried employees (total 2%)					

In 2017, the merit increase was turned down completely and a 2% COLA was passed instead. This approval also came late which caused unnecessary frustration with employees and brings down departmental morale. Employee evaluations which used to occur before the budget process is not happening now until after the budget passes. The empty promise of proposed merit increases has proven to be counterproductive. This is another reason why having a % for merit increases has been proposed. It has been extremely difficult for managers to keep morale up when high level performance is not being rewarded – especially with today’s unprecedented low employment rate. Our valued employees are being stolen by other municipalities and businesses because they are more competitive.

Some studies (such as SHRM) estimate it costs 6 to 9 months’ salary on average to replace an employee after they leave. This is not counting the time it takes to hire an experienced candidate which is taking a long time in this job market. The loss of well-trained employees is costing you, the taxpayer.

The 2019 budget includes a 3% pool of money for department heads to manage merit raises and \$33k for promotions. This total is still less than previous years’ total increases. Some employees are at the top of their pay grade due to a long overdue comp study. We are proposing a 5% pay grade increase to allow those who qualify for a merit raise can be rewarded while the new comp study is ordered for 2019. This will not affect the budget numbers.

This budget represents my commitment to fiscal responsibility and retaining & rewarding our valued employees who provide the high level of services our citizens expect.

By Mayor Karin Wilson

The Dockwa contract was brought up and Councilmember Robinson said that if the City Attorney says not to do it then don't; and it may not be trivial if they will not change it.

There being no further business to come before the City Council, the meeting was duly adjourned at 5:55 p.m.

Jack Burrell, Council President

Lisa A. Hanks, MMC
City Clerk

19 September 2018

NOTICE AND CALL OF SPECIAL MEETING

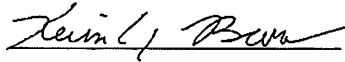
Notice is hereby given of a special meeting of the City Council of the City of Fairhope, Alabama, to be held at the Fairhope Municipal Complex on Wednesday, 19 September 2018, at 6:00 p.m., for the purpose to:

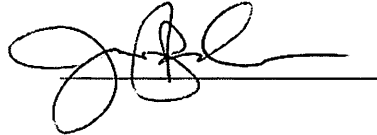
- ❖ Resolution to authorize the firm of Wilkins, Bankester, Biles and Wynne P.A. to conduct legal research and take any legal action necessary to conduct a valid and transparent election related to the proposed elimination of Fairhope's Mayor/Council form of government and change to a Council/Manager form of government.


Jack Burrell, Council President

CONSENT TO HOLDING OF MEETING

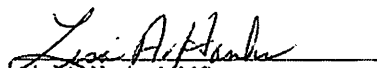
The undersigned members of the City Council of the City of Fairhope, Alabama, do hereby acknowledge service of the Notice and Call of Special Meeting hereinabout set forth and do hereby consent to the holding of such meeting as such time in such place for the purpose set forth therein.







Attest:


Lisa A. Hanks, MMC
City Clerk

19 September 2018

STATE OF ALABAMA)(
 :
COUNTY OF BALDWIN)(

The City Council, City of Fairhope, met in Special Session at 6:00 p.m., Fairhope Municipal Complex Civic Center, 161 North Section Street, Fairhope, Alabama 36532, on Wednesday, 19 September 2018.

Present were Council President Jack Burrell, Councilmembers: Jay Robinson, Robert Brown, and Kevin Boone, City Attorney Marcus E. McDowell, and City Clerk Lisa A. Hanks. Mayor Karin Wilson and Councilmember Jimmy Conyers were absent.

There being a quorum present, Council President Jack Burrell called the meeting to order at 6:05 p.m. and explained that the main reason we are here is to discuss and authorize the firm of Wilkins, Bankester, Biles and Wynne to conduct legal research and take any legal action necessary to conduct a valid and transparent election related to the proposed elimination of Fairhope's Mayor/Council form of government and change to a Council/Manager form of government. He said there will be public comments with a limit of three minutes each. The invocation was given by Councilmember Kevin Boone and the Pledge of Allegiance was recited.

Councilmember Robinson briefly went over the history: In June we had two petitions; one for Council/Manager form of government with districts and one for Council/Manager form of government for at large. July one petition was certified and an election was scheduled for October 2, 2018. He said bad information has been passed around; i.e. the City Council sat on the issue and did nothing. Councilmember Robinson said the legislature and Probate Judge were contacted; and the Judge said the petition is valid. He said voters are voting for an at large Council/Manager form of government. Councilmember Robinson stated the preliminary legal opinion from the Attorney General's office states the election must be for districts. He said absentee voters have already voted thinking it will be at large; and are completely uncertain for this new law. He commented we all thought the vote would be for change of government and Council would decide at large or districts. Councilmember Robinson said that if one ballot has been cast for at large, this would be wrong; and we want this done correctly and fairly. He said this will be an injunction for the election.

Councilmember Brown stated that Fresh Start Fairhope said it does not matter whether it will be at large or districts; they just want a change of government. He read a posting from their website.

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Councilmember Boone said he did not have any comments; and echoed the other two Councilmembers.

Council President Burrell stated there are four choices for government: no change, at large, change with districts or just change. He commented we have not seen any clarity; and the petition was verified late June. Council President Burrell said we have asked for an Attorney General's opinion for clarification; and the preliminary ruling was for districts.

The following individuals spoke during Public Participation:

- 1) Bob Gentle, 156 Orange Street, addressed the City Council and stated Sam Gaston presented a Power Point presentation regarding the new law; and he co-wrote the bill. He said we need to be transparent; and this resolution is a little late in the game. Mr. Gentle said 800 plus citizens need an answer.

Councilmember Robinson replied that we began research in June or July; and said whatever the vote is it will be same as today or with districts. Mr. Gentle commented that Fresh Start Fairhope request an "opinion" too. Council President Burrell said the Council stayed out of it and tried not to sway the vote.

- 2) Wendy Fuess, 293 Chet Avenue, addressed the City Council and said we are big enough now for a Council/Manager form of government. She questioned how an Attorney General get from A to B. The City needs a professional City Manager, but asked why we must go to districts.

Councilmember Robinson commented there are conflicting sections and overlapping codes.

- 3) John Manelos, 104 White Avenue, addressed the City Council and thanked Councilmember Robinson for his statement. He said the old law requires ten percent of the voting citizens with petition for election for districts. The new law requires the City Council by resolution to authorize the change. Mr. Manelos said we do need to know what we are voting on.
- 4) Jim Morgan, 18459 Point Clear Court, addressed the City Council and asked what prompted the Attorney General now. Council President Burrell replied mid-July we began research for answers. He said we are meeting to try and get answers before the election.
- 5) Chuck Zunk, 59 White Avenue, addressed the City Council representing Fresh Start Fairhope. He told the City Council you could have requested an Attorney General's opinion 8 weeks, 10 weeks or 12 weeks ago. He said you have already decided to go to court; but we should have election on October 2, 2018 as the "AGO" has said. He said we have had the ballot information for 10 weeks; and not having the election would deprive 800 plus citizens to have their right to vote. Mr. Zunk said there is a lack of transparency in wording for resolution; and the City Council did not hold non-partisan forums for this election.

19 September 2018

Councilmember Robinson replied he has the utmost respect for Mr. Zunk and told him he knew why. He said Fresh Start Fairhope was transparent; but ballots have already been cast and we do not want one person robbed of his or her vote. Councilmember Robinson asked if this is the most important issue, then what is the rush. He said my decision is to get an injunction for clarification; and the things you said about the City Council are not true.

Council President Burrell said we are not voting to stop the election just to stay the election. He stated people need proper information too.

- 6) Jerry Bergman, 169 Pemberton Loop, addressed the City Council and said he was the President of the Subdivision Association. He commented people do not know; and if you have the election great deal of people will be short changed. Mr. Bergman stated there are 460 incorporated Cities in Alabama; and only 16 have a Council/Manager form of government. He said the City Council could change this and hire a City Administrator to help the Mayor. Mr. Bergman commented every government is political.
- 7) Tennant McWilliams, 154 Gaston Avenue, addressed the City Council and commented he has lived in Vestavia Hills and Mountain Brook. He agreed with getting an Attorney General's opinion; and it is urgent we get clarification.
- 8) Gary Gover, 300 Lincoln Street, addressed the City Council and said "as you go forward, do not delay or stop this referendum."

Councilmember Robinson replied we are asking the Court for clarity.

- 9) Jim Cochran, 156 Ertle Street, addressed the City Council and said the referendum must be held within 90 days. He questioned would the stay stop the election or would the stay be valid for a later election.

Councilmember Robinson replied the injunction is an emergency and should be answered quickly.

- 10) Marcella Franssen, 505 Myrtle Street, addressed the City Council and said we should take our time and get the right information out there. She said this is impacting us and we need to do our due diligence.
- 11) Ben Midgette, 139 Sedgefield Avenue, addressed the City Council and said he has lived in Fairhope for seven years. He commented there have only been two issues since moving here: routing for districts; and Fresh Start Fairhope just want the change.

Councilmember Robinson replied we represent the entire City of Fairhope.

- 12) Alison Knight, 50 N. Bayview Street, addressed the City Council and commented the Attorney General's opinion is non-binding. She questioned how do you deal with the certified petition; and was it valid.

Councilmember Robinson stated this is only an advisory opinion.

- 13) Joanne Brown, 62 S. Ingleside, addressed the City Council and stated she did not know about a petition. Ms. Brown said she has lived here 65 years and likes the form of government we have now.

19 September 2018

- 14) Bob Seiner, 252 N. Summit, addressed the City Council and asked “what will the wording be on questions?”

Councilmember Brown replied we want to make sure we get it right for citizens.

- 15) Kristen Laraway, 20320 Marion Court, addressed the City Council and said she would be happy for more clarification. She thanked the City Council for what they are doing; and said she likes the concept, but wants to know more.

Councilmember Brown asked if we have districts, then who draws the lines. He commented we are staying the election not cancelling it.

Council President Burrell read the resolution in its entirety. He said this Council is here to serve and respect feedback. Councilmember Robinson stated that the meeting was noticed Monday morning.

Councilmember Brown introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council authorizes the firm of Wilkins, Bankester, Biles and Wynne P.A. to conduct legal research and take any legal action necessary to conduct a valid and transparent election related to the proposed elimination of Fairhope’s Mayor/Council form of government and change to a Council/Manager form of government. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 3173-18

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council authorizes the firm of Wilkins, Bankester, Biles and Wynne P.A. to conduct legal research and take any legal action necessary to conduct a valid and transparent election related to the proposed elimination of Fairhope’s Mayor/Council form of government and change to a Council/Manager form of government.

ADOPTED THE 19TH DAY OF SEPTEMBER, 2018

Jack Burrell, Council President

ATTEST:

Lisa A. Hanks, MMC
City Clerk

19 September 2018

Councilmember Robinson 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 7:26 p.m.

Jack Burrell, Council President

Lisa A. Hanks, MMC
City Clerk

ORDINANCE NO. ____

**AN ORDINANCE AMENDING ORDINANCE NO. 1253
KNOWN AS THE ZONING ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA as follows:

The ordinance known as the Zoning Ordinance (No. 1253), adopted 27 June 2005, together with the Zoning Map of the City of Fairhope, be and the same hereby is changed and altered in respect to that certain property described below:

After the appropriate public notice and hearing of the Planning Commission of the City of Fairhope, Alabama has forwarded a **favorable** recommendation,

The property of LA Development, LLC generally located on the north side of County Road 44, approximately 900 linear feet west of State Hwy. 181, Fairhope, Alabama.

Twin Beech Estates PUD

PPIN #: 362500, 362501, 362502, 362503, 362504, 362505, 362506, and 77747

Legal Description: (Case number ZC 18.02)

FROM THE SOUTHEAST CORNER OF SECTION 22 RUN NORTH 40 FEET AND N 89°55' W, 519 FEET FOR A POINT OF BEGINNING OF THE LAND HEREIN LEASED; THENCE N 89°55' W, 796.4 FEET TO A POINT 40 FEET NORTH OF SOUTHWEST CORNER OF SOUTHEAST QUARTER (SE ¼) OF SOUTHEAST QUARTER (SE ¼); THENCE NORTH 1283.5 FEET TO NORTHWEST CORNER OF SE ¼ OF SE ¼; THENCE S 89°46' E, 705.4 FEET ALONG THE NORTH LINE OF SAID SE ¼ OF SE ¼; THENCE SOUTH 378 FEET, THENCE S 89°46' E, 90 FEET AND THENCE SOUTH 903.2 FEET TO BEGINNING. PROPERTY IS OF THE LAND OF THE FAIRHOPE SINGLE TAX CORPORATION IN THE TOWN OF FAIRHOPE, ALABAMA, AS PER ITS PLAT THEREOF FILED FOR RECORD SEPTEMBER 13, 1911, SECTION 17, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

1. **That**, attached as "Exhibit A" is an approved site plan. The property must develop in substantial conformance with the approved site plan and supporting documents. Any substantial deviation from the attached site plan, as determined by the Director of Planning, will require re-approval by the Planning Commission and the City Council of the City of Fairhope, Alabama, as a PUD amendment.
2. **That**, the following development regulations shall govern:

Lots: There shall be 72 lots.

Use: Lots shall be single family residential.

Ordinance No. ____
Page -2-

Setbacks: Front – 20’, Rear – 15’, and Side – 6’.

Lot Coverage: Maximum lot coverage for the principal structure shall be 55% and an accessory shall be no more than 25% of the “required” rear yard.

Building Height: Maximum building height shall be 30’.

Accessory Structure Separation: Between structures – 5’, Side and Rear property lines – 5’

The property is hereby initially zoned Planned Unit Development (PUD) concurrent with annexation into the City of Fairhope. This property shall hereafter be lawful to construct on such property any structures permitted by Ordinance No. 1253 and to use said premises for any use permitted or building sought to be erected on said property shall be in compliance with the building laws of the City of Fairhope and that any structure shall be approved by the Building Official of the City of Fairhope and that any structure be erected only in compliance with such laws, including the requirements of Ordinance No. 1253.

Severability Clause - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Effective Date – This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS 8TH DAY OF OCTOBER, 2018

Karin Wilson, Mayor

ATTEST:

Lisa A. Hanks, MMC
City Clerk

Exhibit A

SITE DATA TABLE

DATE	11/14/14
PROJECT	LA DEVELOPMENT, LLC
PREPARED BY	LA DEVELOPMENT, LLC
CHECKED BY	LA DEVELOPMENT, LLC
DATE	11/14/14
PROJECT	LA DEVELOPMENT, LLC
PREPARED BY	LA DEVELOPMENT, LLC
CHECKED BY	LA DEVELOPMENT, LLC
DATE	11/14/14
PROJECT	LA DEVELOPMENT, LLC
PREPARED BY	LA DEVELOPMENT, LLC
CHECKED BY	LA DEVELOPMENT, LLC

HATCH LEGEND

- PROPOSED ASPHALT SURFACE
- PROPOSED CONCRETE SURFACE

SITE PLAN LEGEND

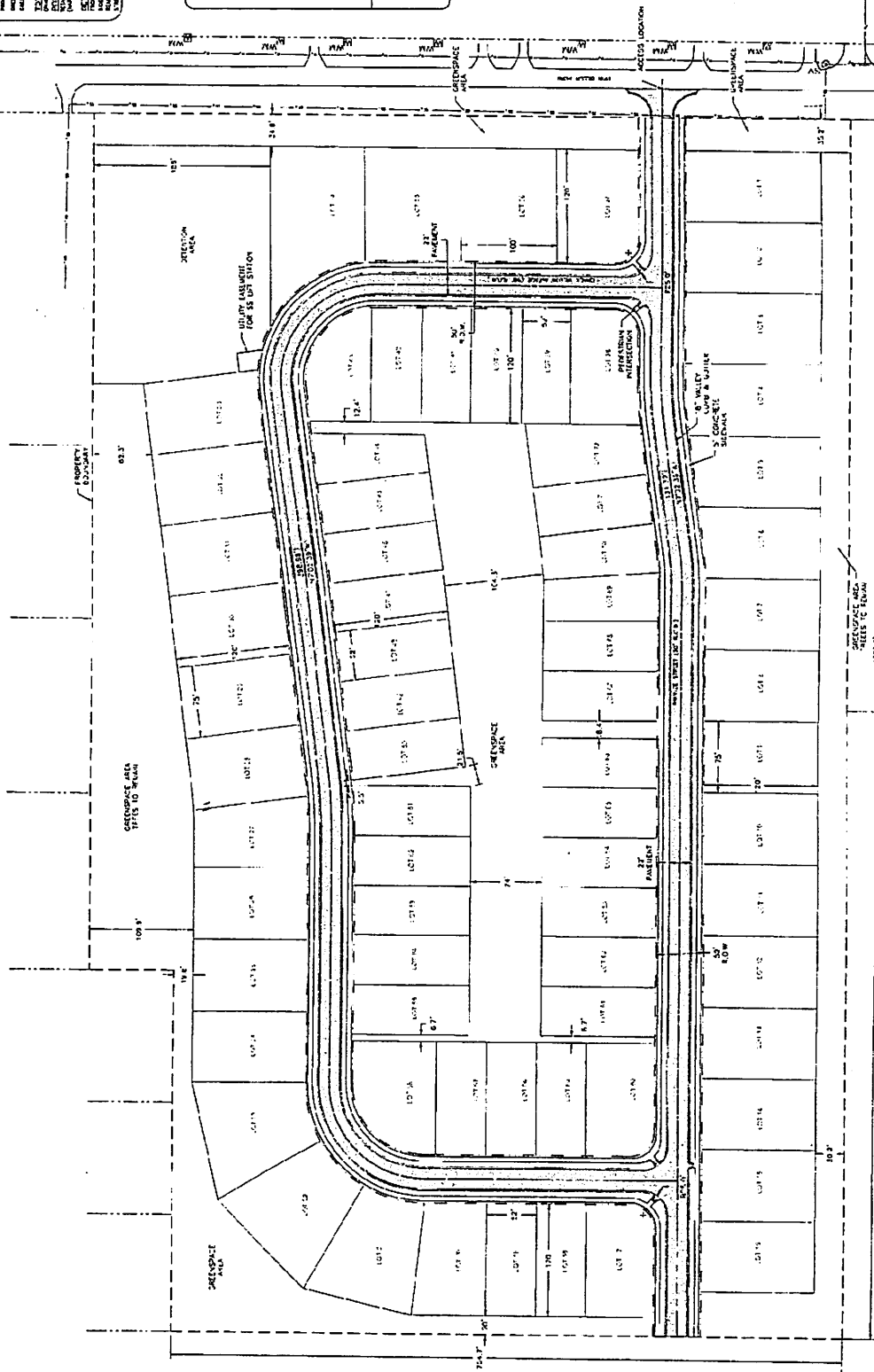
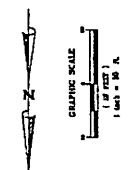
- PROPERTY LINE

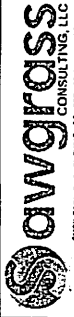
OWNER/DEVELOPER
 LA DEVELOPMENT, LLC
 2000 W. 10th Street, Suite 100
 Los Angeles, CA 90015

ENGINEER
 WALTER S. CHARTER, L.L.C.
 1000 W. 10th Street, Suite 100
 Los Angeles, CA 90015

SURVEYOR
 HALE L. COOPER, L.L.C.
 1000 W. 10th Street, Suite 100
 Los Angeles, CA 90015

UTILITY PROVIDERS
 CITY OF LOS ANGELES
 WATER DEPARTMENT
 POINT - RETURN LINE



NUMBER	REVISION	DATE	SCALE	1" = 10'
			DATE	11/14/14
			DRAWN BY	BM
			CHECKED BY	DC
			SHEET	4 OF 4
		OVERALL SITE PLAN		
		TWIN BEECH ESTATES, A PUD		
		LA DEVELOPMENT, LLC		
		 awgrass CONSULTING, LLC ENGINEERING, SURVEYING, ARCHITECTURE 1115 Westwood Blvd., Suite 100 Los Angeles, CA 90024		



CITY OF FAIRHOPE
P.O. DRAWER 429
FAIRHOPE, AL 36533
251/928-2136

PETITION FOR ANNEXATION

STATE OF ALABAMA)(
COUNTY OF BALDWIN)(

We, the undersigned PETITIONER(S), owner(s) of the lands in fee simple described in the attached EXHIBIT A, such property being without the Corporate Limits of the City of Fairhope, Alabama, but being contiguous to the said Corporate Limits; and such property not lying within the corporate limits or police jurisdiction of any other municipality, do, by these presents, hereby petition the City of Fairhope, a municipal corporation, that said property be annexed into the City of Fairhope, Alabama.

The subject land is delineated on the map attached hereto as EXHIBIT B.

This petition is filed under authority of Section 11-42-21, Code of Alabama, 1975, as amended.

[] This petition is for R-1 Zoning

[X] The condition of the Petition is that zoning be established as PUD Concurrent with Annexation. (Zoning Request)

Is this property colony property Yes No. If this property is colony property the Fairhope Single Tax Office must sign as a petitioner.

Signature of Petitioner

[Handwritten signature]

Signature of Petitioner

Ercil E. Godwin for LA Development, LLC

Print petitioner's name

Jennifer Evans Sanford as office manager of FSTC only

Print petitioner's name

Physical Address of property being annexed: TWIN BEECH RD, FAIRHOPE, AL 36532

Petitioner's Current Physical Address: 20858 COUNTY RD 13, SUITE D FAIRHOPE, AL 36532

Petitioner's Current Mailing Address: 20858 COUNTY RD 13, SUITE D FAIRHOPE, AL 36532

Telephone Number(s): 251-583-3221 Home Work

County Tax Parcel Number: 05-46-05-22-0-000-001.572, -.835, -.836, -.837, -.838, -.839, -.840, -.841

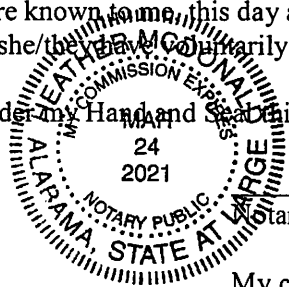
U.S JUSTICE DEPARTMENT INFORMATION

- Size of property (acres or square feet) 22.6 1/2 AC
- If property is occupied, give number of housing units N/A
- Number of Persons residing in each unit, and their race N/A
- If property is unoccupied, give proposed use SUBDIVISION
- If property is being developed as a subdivision, give subdivision name
TWIN BEECH ESTATES
- Number of lots within proposed subdivision 78

I, Heather McDonald a Notary Public in and for said State and County, hereby certify that Eral E Godwin whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

Given under my Hand and Seal this 18 day of Dec, 2017,

(Seal)

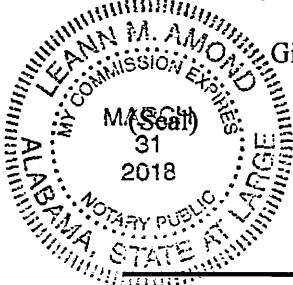


Heather McDonald
Notary Public

My commission expires 3/24/21

I, LeAnn M. Amond a Notary Public in and for said State and County, hereby certify that Jennifer Evans Sanford whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

Given under my Hand and Seal this 18th day of December, 2017,



LeAnn M. Amond
Notary Public

My commission expires 3/31/18

I, _____ a Notary Public in and for said State and County, hereby certify that _____ whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

Given under my Hand and Seal this _____ day of _____, 20____,

(Seal)

Notary Public

My commission expires _____



City Council

September 2018

Case: ZC 18.02 Twin Beech Estates

Applicant Name:
Sawgrass Consulting, LLC

Owner:
LA Development, LLC

Site Data:
Number of lots: 72
Total Acreage: 22.6 +/-

Project Type:
Rezoning Request from
Unzoned, Unincorporated Baldwin County
to
Planned Unit Development (PUD)

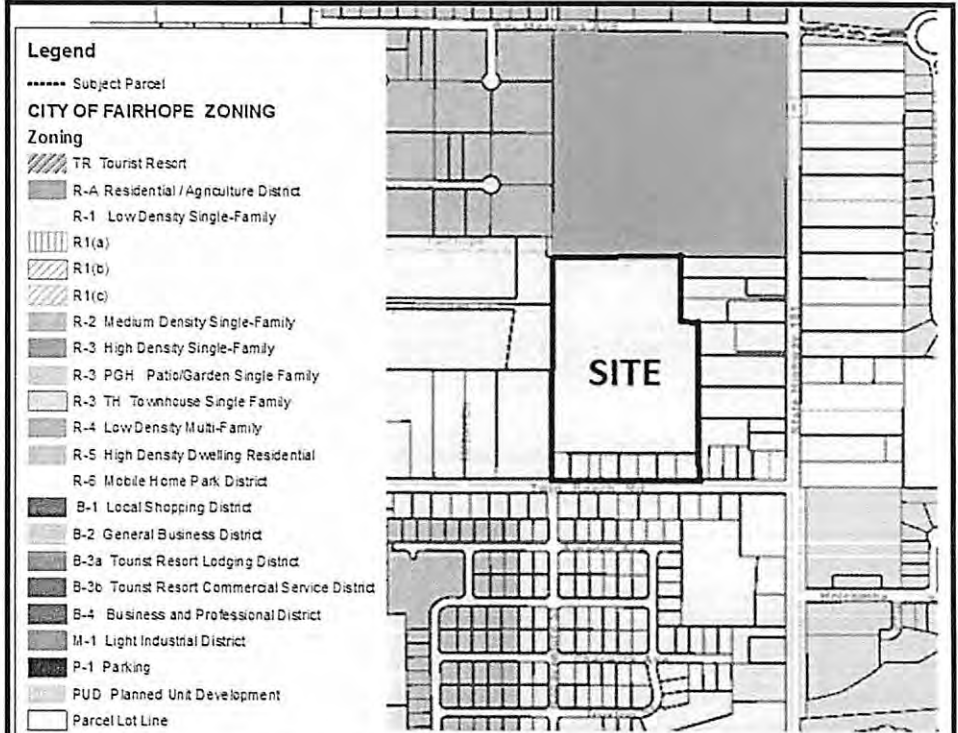
PPIN Number
77747, 362500, 362501,
362502, 362503, 362504,
362505, 362506

General Location:
Twin Beech Road 0.2 miles
West of AL HWY 181

School District:
Fairhope Elementary, Middle,
and High Schools

Staff Recommendation:
Approve

PC Recommendation:
Approve



Summary of Request:

The applicant is seeking concurrent annexation and rezoning of eight parcels comprising approximately 22.6 acres +/- from unzoned Baldwin County to the City of Fairhope as a Planned Unit Development (PUD). The subject property is located approximately 0.2 miles west of AL HWY 181 on Twin Beech Road (Baldwin County Road 44). The parcel abutting subject property immediately to the north (PPIN 15078) is zoned City of Fairhope Residential/Agriculture District (R-A). All other parcels abutting subject property are located in unzoned Baldwin County, however a series of parcels zoned City of Fairhope Medium Density Single Family (R-2) are located approximately 120' feet northwest of subject property as well as 320' southwest of subject property. A series of parcels zoned City of Fairhope Low Density Single Family (R-1) is located approximately 240 feet south of subject property. Two Planned Unit Developments (PUD) are located in close proximity to subject property: Stone Creek PUD is located 0.6 miles southeast of subject property, and Firethorne PUD is located 0.5 miles northwest of subject property.

Comments:

The subject property is comprised of one large (PPIN 77747) generally rectangular parcel and seven smaller (PPIN 362500, 362501, 362502, 362503, 362504, 362505, and 362506) parcels fronting Twin Beech Road, a paved publicly-maintained street. The supporting drawings included with the request for annexation/PUD zoning request depict a future subdivision of 72 single family residential lots. Should the annexation be approved, and the zoning classification be approved as a PUD, the future subdivision application will include the afore-mentioned 72 single family lots, one full-access entrance/exit on the subdivision's west side along Twin Beech Road, and one unopened 50' future right-of-way in the subdivision's northwest corner. The applicant has made extensive modifications to the site's master plan since first appearing on the February 5, 2018 Planning Commission agenda. In addition to reducing the number of lots from 78 to 72, and therefore reducing the development density from 3.45 units per acre to 3.19 units per acre, the lot sizes of the development are more varied and strategic placement of the various lot sizes has greatly improved the development's compatibility with adjacent areas and the surrounding neighborhood. The typical lot size (and virtually all lots were this size) in the initial submittal as 52' wide, 120' long, for an average lot area of approximately 6,200sf. The current application contains lots as large as 100' wide and 120' long (12,000sf) along Twin Beech Road, 75' wide and 120' long lots (9,000sf) around the outer perimeter of the development, and 52' wide by 120' long (6,240sf) lots along the inner perimeter of the development. If approved the development will the largest lots along Twin Beech Road buffered by an open space area required by the Twin Beech Road ROW setback transitioning to smaller lots on the outer perimeter with the smallest lots in the center of the development and farthest away from existing developments.

The *City of Fairhope Zoning Ordinance*, Article III.A. provides the following purpose for the requested zoning of the subject property:

PUD Planned Unit Development: This district is intended to encourage innovative development that meets comprehensive plan goals and is tailored to the unique constraints and conditions of a particular site. This district allows flexibility in uses, designs, and building layouts as opposed to other zoning districts to better serve community needs.

The *City of Fairhope Zoning Ordinance*, Article VI. Section A.4. further defines the requirements of Planned Unit Development (PUD):

Ordinance and Site Plan Required – Each Planned Unit Development shall have an Ordinance that establishes the development of regulations for the district. In approving a Planned Unit Development, the ordinance shall reference the site plan, which shall prescribe development

standards. The site plan after approval shall become part of the amending ordinance. All development shall be in conformance with the approved Site Plan and development regulations.

The site data table included with the supporting documents of subject application includes the proposed dimensional standards summarized in the table below:

Case # ZC 18.02 Proposed PUD Dimensional Standards

District	Lot #'s	Lot Sizes (minimum)	Typical Lot Width	Front Setback	Rear Setback	Side Setback	Max. Lot Coverage	Max. Building Height
PUD	5-10 27-30 44-72	6,200 sf	52'	20'	15'	6'	55%	30'
PUD	11-26 31-43	9,000 sf	75'	20'	15'	6'	55%	30'
PUD	Lot 1	10,200	85'	20'	15'	6'	55%	30'
PUD	2-4	12,000	100'	20'	15'	6'	55%	30'

The requested PUD for the subject property reflects the dimensional standards shown above. In addition, 5' rear and side setbacks are required for any accessory structures located on the residential lots within the PUD. Any accessory structures must be behind the rear building line of the principle structure, maintain 5' separation from the principle structures, and have lot coverage of no more than 25% of the required rear yard for each lot.

School Student Analysis:

The proposed PUD master plan for Twin Beech Estates contains 72 single family lots. Applying the student yield factors (SYF) provided by the Baldwin County Board of Education listed below, the development is expected to generate 28.1 (or 72 x 0.39) elementary school students, 7.92 (or 72 x 0.11) middle school students and 12.24 (or 72 x 0.17) high school students.

Development Name	Application Type	Housing Type	Total Units	Attendance Zone	SYF	Expected Number of Students
Twin Beech Estates	PUD request	SF	78	Fairhope Elementary	0.39	28.1
" "	" "	"	"	Fairhope Middle	0.11	7.92
" "	" "	"	"	Fairhope High	0.17	12.24
				Total Students		48.26

Allowable Uses:

The applicant provided a project narrative for the requested PUD and indicated "single family residential" as the requested use type within the proposed PUD. No other use types are indicated in the applicant's PUD request narrative.

Zoning History of Nearby Properties:

SD 15.08 (Preliminary) was a request of Sawgrass Consulting, LLC for preliminary plat approval of Twin Beech Estates, an 8-lot subdivision located on the north side of Twin Beech Road (County Road 44) just west of State Highway 181. All lot widths are at least 100' wide and all lots front upon a paved, publicly maintained street or road as required by the *City of Fairhope Subdivision Regulations*. SD 15.08 was approved by the Fairhope Planning Commission on April 6, 2015 however no request for annexation and zoning establishment was submitted by the applicant and the lots created by SD 15.08 (PPINs 362500, 362501, 362502, 362503, 362504, 362505, and 362506 and remnant parcel 77747) remain in unzoned Baldwin County. Matters involving sidewalks, building setbacks, and street trees were reviewed and approved by the Baldwin County Highway Department in accordance with the County's subdivision regulations.

SD 15.12 (Final) was a request of Sawgrass Consulting, LLC for final plat approval of Twin Beech Estates, more fully described in case number 15.08, above. SD 15.12 was approved by the Fairhope Planning Commission on August 3, 2015. A maintenance bond for water and sewer utilities was received on August 31, 2015 and the utilities related to SD 15.12 were accepted for maintenance by the Fairhope City Council on October 26, 2015.

SD 04.53 (Preliminary) was a request of Engineering Development Services on behalf of Elite Development for preliminary plat approval of Woodlawn Subdivision located west of State Highway 181 and south of Twin Beech Road (County Road 44). The development is comprised of 81 lots covering approximately 34.4 acres, for a *lot density of approximately 2.35 units per acre*. The proposed 75' lot widths and 10,500sf lot area was compliant with the City Fairhope Subdivision Regulations circa 2004. Additional review of subdivision requirements was provided by the Baldwin County Planning and Zoning Department, as no request for annexation and zoning establishment was submitted by the applicant concurrent with the subdivision application and as a result the development remained in unzoned Baldwin County. SD 04.53 was approved by the Fairhope Planning Commission on September 7, 2004.

SD 06.19 (Final) was a request of Engineering Development Services on behalf of Elite Development for final plat approval of Woodlawn Subdivision, more fully described in case SD 04.53 above. Case SD 06.19 was approved by the Fairhope Planning Commission on April 3, 2006. Staff noted in the minutes of the afore-mentioned planning commission meeting the development location was now located in City of Fairhope R-1 Low-Density Single-Family Zoning District, non-conforming.

Case number ZC 14.11 was a request of Prebble-Rish, LLC to establish initial zoning of R-2 Medium Density Single Family Residential District concurrent with conditional annexation into the City of Fairhope for Woodlawn Phase 2 and 3 (SD 14.17), located on the south side of Twin Beech Road between Woodlawn Phase 1 and Summer Oaks Stables. Woodlawn Phase 2 and 3 is a continuation of Woodlawn Phase 1, with comparable sized lots. The smallest lot size included in the development (SD14.17) is 10,500sf, the largest lot size is 14,147sf with a maximum lot coverage of 37%. All other lot dimensions are consistent with R-2 Medium Density Single Family. The development consists of 70 lots over approximately 32 acres, for a *lot density of approximately 2.19 units per acre*. The Fairhope Planning Commission approved the conditional annexation to R-2 Zoning District on November 3, 2014 with final approval by the Fairhope City Council on January 26, 2015.

Case number ZC 04.10 was a request of Volkert and Associates on behalf of Rance Rheel for a zoning change from unzoned Baldwin County to Planned Unit Development (PUD) for Stone Creek, conditioned on annexation into the City of Fairhope. The 174-acre development is generally located along State Highway 181 near the intersection of HWY 181 and Twin Beech Road (Baldwin County Road 44). The PUD consists of 226 residential lots and 4 commercial lots. Lot sizes range from 7,000 sf to 1 acre, with the majority of the lots in the 13,000sf to 18,000sf size. Residential over commercial is allowed in the commercial areas, as well as 35 condominium units in the commercial areas. The minimum lot width shown on the site plan exhibit is 50', with setbacks varying depending upon lot size. Maximum lot coverage is 60% and 50% for residential and commercial lots, respectively with maximum building heights of 35' and 40' for residential and commercial structures, respectively. The Fairhope City Council approved the re-zoning/annexation request on December 27, 2004.

Case number ZC 14.04 was a request of Prebble-Rish, LLC on behalf of Chapel Farm, LLC for an amendment to the Stone Creek PUD, original case number ZC 04.10. The Stone Creek PUD is generally located along State Highway 181 near the intersection of HWY 181 and Twin Beech Road (Baldwin County Road 44). The justification for the PUD amendment was based upon future ALDOT right-of-way acquisition of portions of commercial lots 1-3 in the original PUD. The PUD amendment requested commercial lots 1-3 be converted to 13 residential lots, with commercial lot 4 to remain but with 18 condominium units in lieu of the 35 condo units included in the original PUD. The PUD amendment also reflected a corrected lot count of 264 units, and a corrected acreage of 177.20 acres (*approximately 1.49 units per acre density*). All other components of the original PUD remain as approved in case number ZC 04.10. The Fairhope City Council adopted the PUD Amendment at their May 27, 2014 regular meeting. The dimension standards of the Amended Stone Creek PUD are summarized in the excerpt from the PUD amendment site data table below (lots 252-264 are the 13 new residential lots created from the area previously platted as commercial lots 1-3):

SITE DATA

1. Total acreage is 177.20 ac.
2. Total number of lots is 264
proposed density is 1.49 units per acre
3. Total amount of common area is 21.96 ac.
4. This site is located Section 26, T6S, R3E.
5. Proposed Building Setbacks:
 - Lots 1–22, 34–46, 65–126, 164–204, 221–251
Front – 30'
Rear – 20' (5' off wetlands on Lots 34–43 &
30' off wetlands on Lots 90–99)
Side – 10'
Street Side – 20'
 - Lots 23–33, 47–64, 127–163, 252–264
Front – 20'
Rear – 20'
Side – 5'
 - Lots 205–220
Front – 15'
Rear – 20'
Side – 5'
 - Commercial Lot 1
Front (Facing Alabama Hwy. 181) – 20'
All Other Sides – 10'
 - Swim & Tennis Area –
10' Setback at Perimeter

Case number ZC 14.05 was a request of Prebble-Rish, LLC on behalf of Ralph Reynolds, Davis Pilot, Billy Stimpson, Thomas Gross, and Nathan Cox to establish an initial zoning of Firethorne Planned Unit Development (PUD) concurrent with conditional annexation into the City of Fairhope. The 126.37-acre development is generally located along the east side of State Highway 181 south of Quail Creek Drive, between Quail Creek and State HWY 181. The PUD consists of 228 residential lots, for a *density of approximately 1.8 units per acre*. Approximately 83 lots are 15,000sf in size, with the smallest lot at 14,422sf and the largest lot at 31,800sf. The average lot size is 17,000sf with setbacks as follows: 35' front, 35' rear, 10' side, and 20' sides street. Maximum lot coverage is 40%, with accessory structures no more than 25% of the required rear yard. The maximum building height for the development is 35'. The Fairhope City Council approved the re-zoning/annexation request on May 6, 2014.

Zoning Compatibility Analysis:

The term "compatibility" is typically defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Compatibility of land use is a fundamental principal for planning and zoning. Land use compatibility is also an important decision-making element in the zoning process. On a macro-level it can maintain and protect community character and raise the quality of development throughout the community. On the micro-level zoning compatibility maintains an appropriate development pattern and protects neighborhoods from negative impacts of incompatible land uses such as:

- changing neighborhood character through inconsistent land use patterns
 - increased density through decreased lot sizes and reduced building setbacks
- intensity of uses out of character with the neighborhood
 - poorly located commercial uses
 - negative externalities such as increased traffic, light, noise etc.

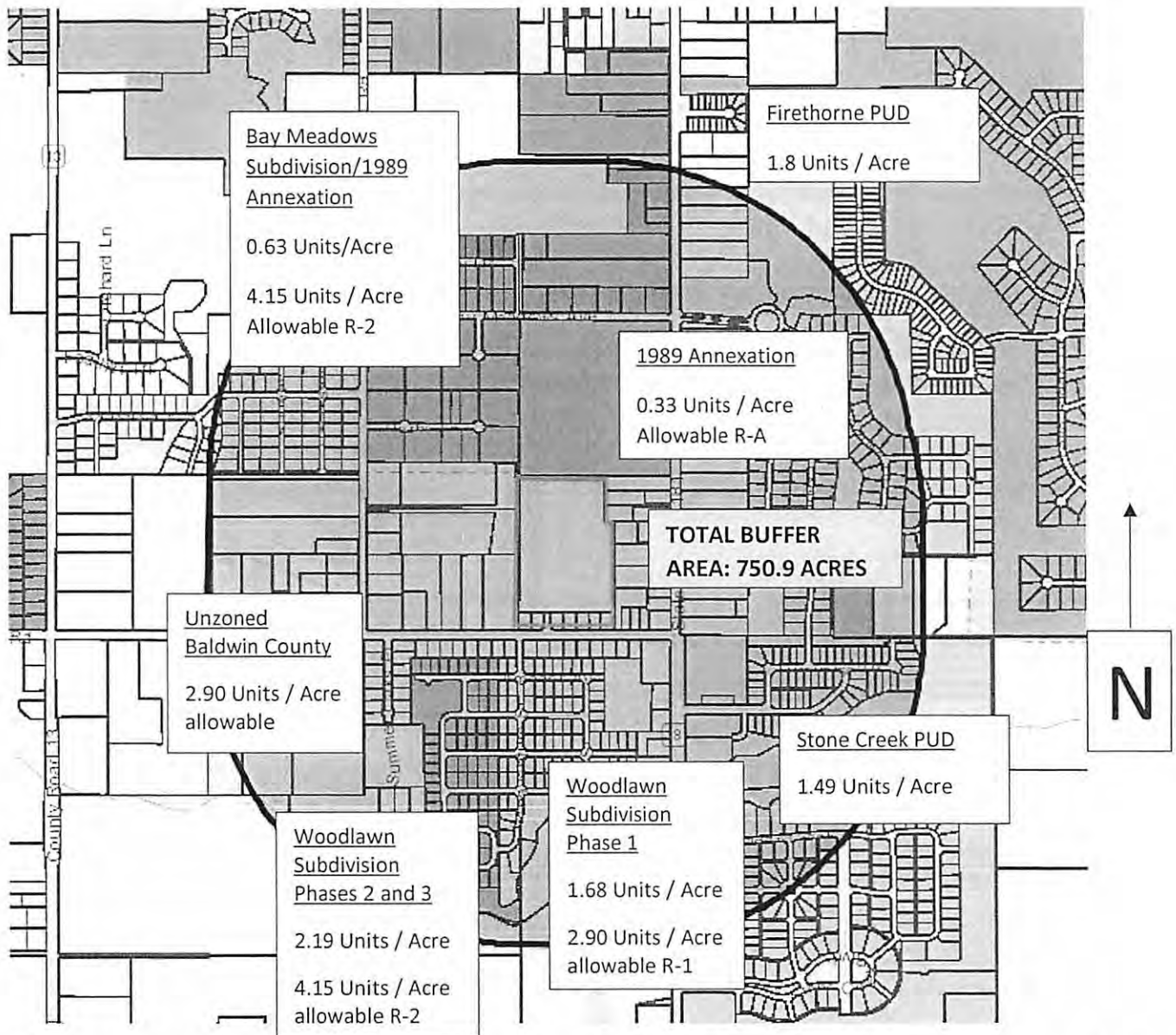
As a result, incompatible land uses may negatively affect property values and the quiet enjoyment of property.

The Code of Alabama, Section 11-52-72 provides the following purpose for planning and zoning: ***“designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements”***. (Acts 1935, No. 533, p. 1121; Code 1940, T. 37, §777.) Insuring compatible development clearly fits into the scope of the Alabama enabling legislation for planning and zoning.

The *City of Fairhope Zoning Ordinance* provides criteria to be used in the review and analysis of the rezoning process. Article II., Section C.1.e. “Zoning Amendments” provides nine review criteria for the rezoning process. Criteria 3, 8, and 9 directly relate to compatibility:

- (3) The character of the surrounding property, including any pending development activity;
- (8) Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values; and,
- (9) Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.

The challenge encountered by staff when evaluating subject application involves the approach by which the subject application’s zoning compatibility was evaluated. The properties surrounding the subject property are a patchwork of zoned, unzoned, developed, and undeveloped properties and all must be examined in terms of the subject application. The Comprehensive plan contemplates a “neighborhood” as one-half mile, or 2,640’ area noted on feet on page.....The Zoning Compatibility Analysis applied to subject property examines both “surrounding neighborhoods” (subdivisions and other developments one-half mile, or 2,640 feet from the subject property) as well as “adjacent areas” (abutting properties including those directly across a right-of-way from the subject property as well as properties with a physical relationship with the subject property such as properties along the same street or road as the subject property). The surrounding neighborhoods to the subject property were identified by drawing a 2,640’ buffer around the subject property utilizing the ‘buffer’ toolkit within KCS Fairhope web viewer. The subject property is outlined in blue and the 2,640’ buffer is depicted below by the black circular border with light gray fill shown on the map excerpt below:



The existing actual as well as allowable development densities of the developments surrounding the subject property are shown above as labels on the 2,640' (half mile) buffer map. The narrative that follows explains how the actual and allowable development densities of adjacent and surrounding properties was calculated. Unzoned areas were calculated en masse, and zoned areas were calculated as a function of the characteristics of their development, as applicable. In order to arrive at an average development density for all adjacent areas and surrounding neighborhoods, a weighted average is utilized so that though the actual or allowable development density remains constant, the weighted average will be in terms of the *actual acreage* of the development within the buffer area. The weighted development density described below is calculated by multiplying the actual land area in acres by the actual and/or allowable development density of the development under consideration. Weighted development densities are summarized in the "development density conclusions" section of this staff report.

WEIGHTED DENSITY CALCULATION

To determine the weighted actual and allowable development densities in the 2,640' buffer area, the total allowable and total actual weighted units described above are summed and divided by the total

acreage of the buffer area, less the subject property. As stated previously the total area of the buffer, as determined by KCS Fairhope Map Viewer is 750.9 acres. Subtracting the 22.6 acres of subject property leaves a net buffer area of 728.3 acres.

The *actual* weighted density of the adjacent areas and surrounding neighborhood is summarized in the table below:

DEVELOPMENT NAME OR PPIN	ZONING	DEV. TOTAL AREA (acres)	BUFFER ACRES	Density (units per acre)	Weighted Actual (units)
15078	R-A Residential/Agriculture	38	38.00	0.333	12.65
214135, 15244, 14765	R-A Residential/Agriculture	12.6	12.60	0.333	4.20
15192, 14349, 226928, 15467, 15385	R-2 Medium Density Single Family	N/A	5.70	4.15	23.66
Sedgefield Subdivision	R-1 Low Density Single Family	58.35	35.80	1.82	65.16
Bay Meadows Subdivision	R-2 Medium Density Single Family	35	35.00	0.63	22.05
Bay Meadows East Subdivision	R-2 Medium Density Single Family	5.88	5.88	1.02	6.00
Bay Meadows West Subdivision	R-2 Medium Density Single Family	10.8	10.80	2.04	22.03
Woodlawn Phase 1	R-1 Low Density Single Family	48.15	48.15	1.68	80.89
Woodlawn Phases 2 and 3	R-2 Medium Density Single Family	32	32.00	2.19	70.08
Firethorne (not including Village)	PUD	126.37	87.87	1.8	158.17
77751	R-6 Mobile Home Park	46.3	28.70	0.8	22.96
Stone Creek	PUD	177.2	88.10	1.49	131.27
Callaway Place	R-3 High Density Single Family	4.98	4.98	2.01	10.01
Quail Creek Estates Villas	R-3 PGH - High Density Single-Family Patio Garden Home Residential District	29.87	1.60	3.88	6.21
Unzoned PPIN 34272	Unzoned Baldwin County	1	1.00	21	21.00
All Other Unzoned	Unzoned Baldwin County	292.12	292.12	2.9	847.15

The sum of the weighted actual units is 1,503.47 units. When divided by the net buffer area of 728.3 acres, the *actual* weighted density is calculated as 2.06 units per acre.

Similarly, the *allowable* weighted density of the adjacent areas and surrounding neighborhood is summarized in the table below:

DEVELOPMENT NAME OR PPIN	ZONING	DEV. TOTAL AREA (acres)	BUFFER ACRES	Density (units per acre)	Weighted Actual (units)
15078	R-A Residential/Agriculture	38	38.00	0.333	12.65
214135, 15244, 14765	R-A Residential/Agriculture	12.6	12.60	4.2	52.92
15192, 14349, 226928, 15467, 15385	R-2 Medium Density Single Family	N/A	5.70	4.15	23.66
Sedgefield Subdivision	R-1 Low Density Single Family	58.35	35.80	2.9	103.82
Bay Meadows Subdivision	R-2 Medium Density Single Family	35	35.00	4.15	145.25
Bay Meadows East Subdivision	R-2 Medium Density Single Family	5.88	5.88	4.15	24.40
Bay Meadows West Subdivision	R-2 Medium Density Single Family	10.8	10.80	4.15	44.82
Woodlawn Phase 1	R-1 Low Density Single Family	48.15	48.15	2.9	139.64
Woodlawn Phases 2 and 3	R-2 Medium Density Single Family	32	32.00	4.15	132.80
Firethorne (not including Village)	PUD	126.37	87.87	1.8	158.17
77751	R-6 Mobile Home Park	46.3	28.70	0.5	14.35
Stone Creek	PUD	177.2	88.10	1.49	131.27
Callaway Place	R-3 High Density Single Family	4.98	4.98	5.58	27.79
Quail Creek Estates Villas	R-3 PGH - High Density Single-Family Patio Garden Home Residential District	29.87	1.60	10.89	17.42
Unzoned PPIN 34272	Unzoned Baldwin County	1	1.00	2.9	2.90
All Other Unzoned	Unzoned Baldwin County	292.12	292.12	2.9	847.15

The sum of the weighted allowable units is 1,879.00 units. When divided by the net buffer area of 728.3 acres, the allowable weighted density is calculated as 2.58 unit per acre.

The average weighted development density of both the actual and allowable densities is therefore:

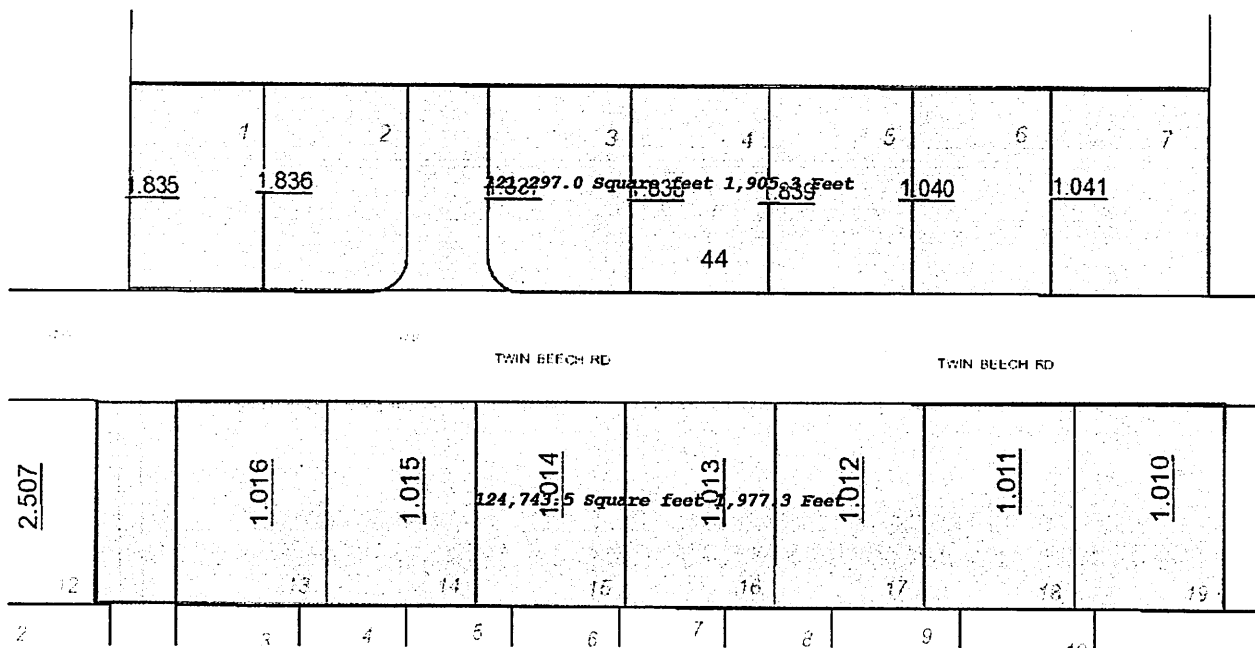
$(2.06 + 2.58)/2 = 2.32$ units per acre.

Development Density Conclusions

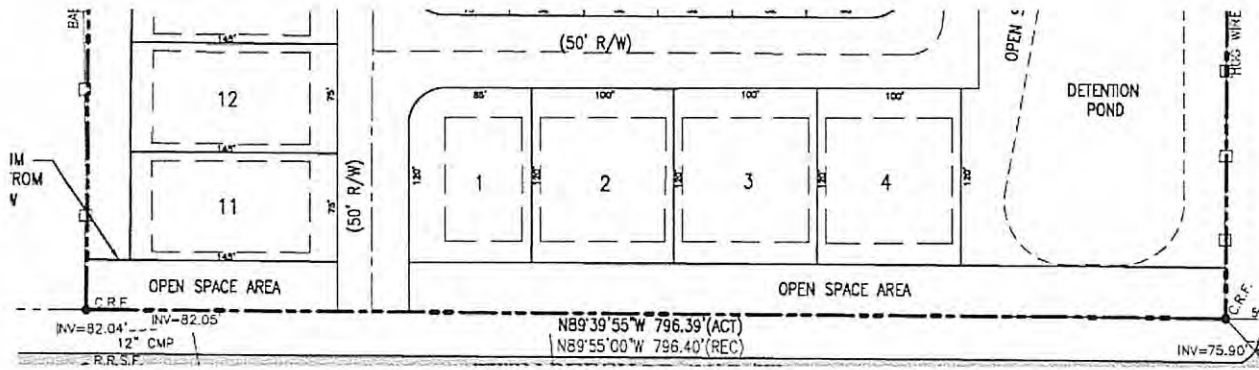
As stated previously, the requested development density of the subject application is 3.18 units/acre, approximately 37% greater than the average development density of 2.32 units/acre indicated above. However, the requested development density is an approximately 12% reduction in requested density from the 3.45 units per acre request presented at the February 5, 2018 Planning Commission meeting. Further, the varying lot sizes of the current application were strategically placed to create zones of compatibility with adjacent areas.

In the image below, the existing lots 1-7 of subject property fronting on Twin Beech Road, as well as the unzoned lots 13-19 of the W.T. Walley and Sons (Walley) Subdivision also fronting upon Twin Beech Road are depicted. These lots are examples of redesign of the requested PUD’s lots to attain regions of compatibility. In this example the same number of lots of approximately the same area both front upon Twin Beech Road, each contains ROW in its area, and the lots of are of similar size.

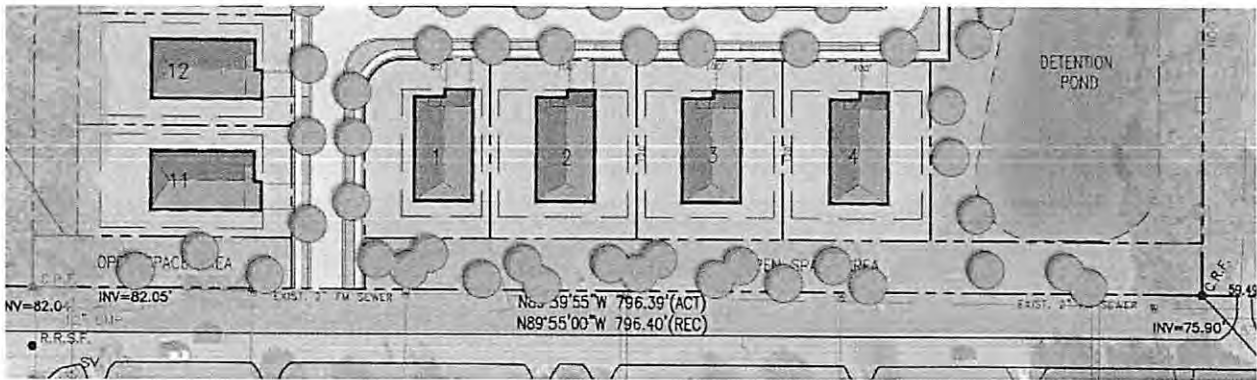
Lots 13-19 of the Walley Subdivision comprise approximately 124,743.5 sf, or 2.86 acres, which includes a portion of the ROW on the west side of the property. Seven (7) lots divided by 2.86 acres equals 2.45 units per acre actual development density.



Lots 1-7 of the existing Twin Beech Estates total 121,297 sf or 2.78 acres and also include a portion of ROW similar to that of the Walley Subdivision. However, if the lots of the proposed Twin Beech Estates PUD are used in the density calculation, the new density calculation will utilize lots 1-4 and 11-12 of the proposed PUD. The northern terminus of the existing lot lines falls approximately on the centerline of the east-west ROW in the proposed PUD, resulting in approximately equivalent areas for comparison purposes as seen in the drawing except below:



Utilizing the proposed PUD on the same area of the existing seven lots fronting upon Twin Beech Road, 6 lots divided by 2.78 acres equals 2.16 units per acre actual development density, less than the 2.45 unit per acre actual development density across Twin Beech Road in the existing Walley Subdivision. This region of compatibility was created by increasing the lot width of lots 2-3 from 52' to 100', increasing the lot width of lot 1 to 85' from 52', and increasing the lot width of lots 11-12 (and subsequently all outer perimeter lots) 75' wide. Lots 1-4 and 11-12 do not have egress directly onto Twin Beech Road as do lots 13-19 of the Walley subdivision, which cross through the Twin Beech Road ROW setback. This same ROW setback for the proposed Twin Beech Estates PUD will be further buffered by an open space area with landscaping seen in the drawing excerpt below:



Though the overall development density of the proposed PUD is greater than the average weighted density of the adjacent properties and surrounding neighborhoods, the current application reflects increases to lot sizes and locations of larger lot sizes that create corridors of compatibility to the Twin Beech Road corridor, and the proposed PUD narrative further notes the natural tree buffer along the north, east, and west boundaries of the PUD will remain.

Twin Beech Estates Zoning Compatibly Analysis Chart

Compatibility Subject	Recommended Method	Analysis of Recommendation
Dwelling Unit / Housing Type	<p><u>Adjacent Area:</u> 100% single family in zoned Areas (R-A) 100% Multi Family on one Unzoned parcel (PPIN 34272)</p> <p><u>Surrounding Neighborhood:</u> 100% single family in zoned Areas (R-1, R-2, and PUD).</p>	<p>Proposed development requests 72 single family units</p> <p><i>Proposed development is consistent with the surrounding neighborhood and adjacent areas. All zoned units in the adjacent area and surrounding neighborhood is single family, with the exception of 37 mobile home units on</i></p>

	<p>100% Multi Family on two Unzoned parcels (PPIN 34272) And 77562)</p> <p>All other unzoned Parcels appear to be single family</p>	<p>PPIN 77751. Multi family units are in place on PPIN 34272, however this property is unzoned.</p>
Building Orientation	N/A	<p>Requested development application Establishes PUD zoning for development But does not include a subdivision Application by which building orientation may be evaluated. Building orientation is not applicable for analysis at this time.</p>
Building Setbacks Building Setbacks (continued)	<p><u>Adjacent area setbacks:</u> Front – 75’ Rear – 75’ Side – 25’ Side Street – 50’ (Per R-A zoning district)</p>	<p><u>Proposed development setbacks:</u> Front – 20’ Rear – 15’ Side – 6’ Side Street – not specified <i>Proposed development is <u>NOT Consistent</u> with adjacent area setbacks, However, see comments regarding lot Size and how lot size creates areas of compatibility</i></p>
Building Heights	<p><u>Adjacent area building height:</u> Max. Building Height – 30’ (Per R-A zoning district)</p>	<p><u>Proposed development building height:</u> Max. Building Height – 30’ <i>Proposed development is <u>consistent</u> with Adjacent area building heights.</i></p>
Lot Dimensions	<p>Due to the widely varying lot sizes in the evaluation area, as well as the Varying lot sizes in the proposed PUD, Lot Dimensions is not a readily-Quantifiable or highly-accurate measure of compatibility for subject Application.</p>	
Lot Area / Density	<p><u>Adjacent area and Surrounding Neighborhood Actual and allowable Weighted development densities</u></p> <p>2.06 units / acre actual 2.58 units / acres allowable</p> <p>2.32 units / acre average</p>	<p><u>Proposed development lot dimensions:</u></p> <p>72 units / 22.6 acres = 3.19 Units/Acre <i>Though the proposed development is <u>Not consistent overall</u> with adjacent area and surrounding Neighborhood development density, the Twin Beech Road corridor <u>is consistent</u></i></p>

Fairhope Comprehensive Plan Guidance

The absence of any intended physical form (lack of a plan) of a city causes a disjointed development pattern, inefficient municipal services, conflicting land uses and negative externalities for business owners, property owners and residents. In general, the lack of a plan and negative externalities create poor livability conditions. Providing an “intended physical form” is land use planning. A “plan” provides a meaningful and well-thought-out development pattern where a desired physical form outcome is stated with provisions and methods to achieve the desired outcome. Ultimately, the success of the plan to achieve the desired outcomes depends on how the plan is administered over a series of years and many development decisions which together shape the physical form of the City.

Beginning in 2001, the City of Fairhope expressed its intent for the physical form of the City to be in the “village” development pattern. The 2006 Comprehensive Plan, incorporated by reference into the 2014 Comprehensive Plan Update, was developed by Gould Evans Goodman Associates, LLC. The Plan, in Section 5. Form, Function and Design (page 45-48), provided clear direction on village types, locations and the transitioning of land uses, specifically in terms of intensity and density of the villages and their environs.

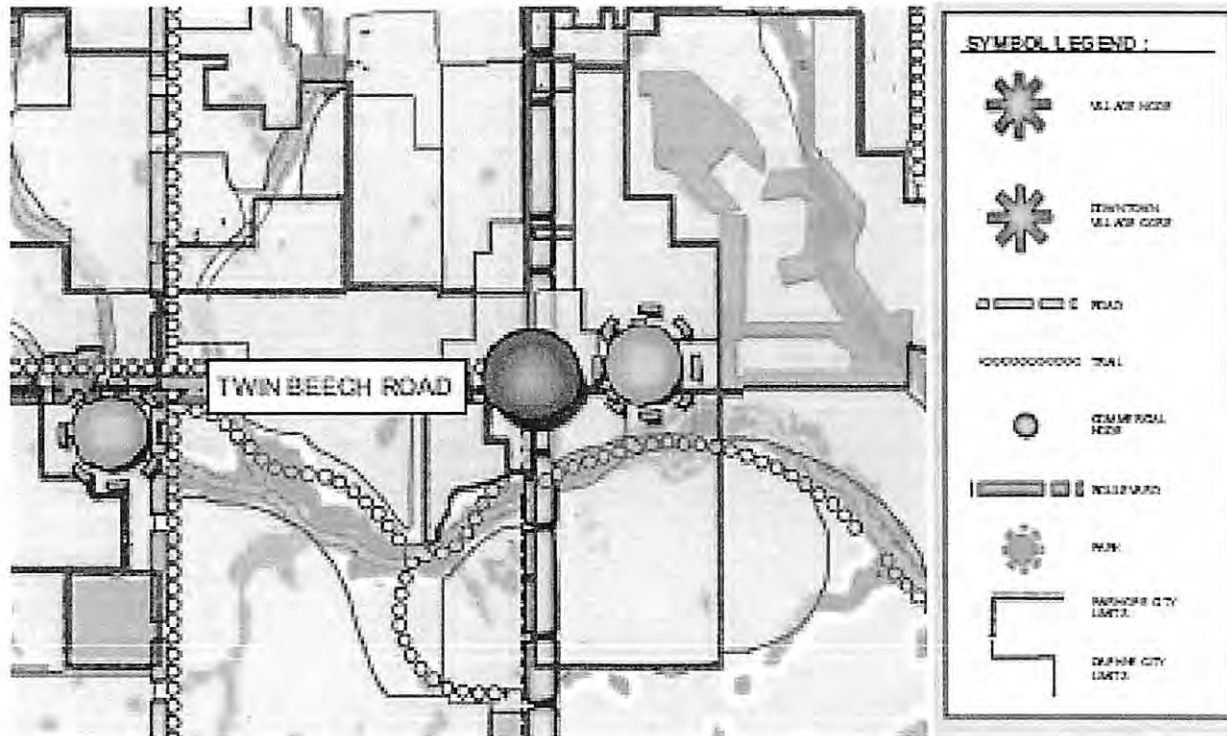
Section 5.4 Neighborhoods, states the following:

The “village pattern” is the basic planning unit of the city and is characterized by a center, supported by a neighborhood and transitioning to an edge. Higher density residences should be located more closely to village centers or fronting major street corridors. Lower density residences should transition to edges, and rural areas. This concept is reaffirmed in the 2014 Plan Update where guidance was provided through the following: “The immediate area around villages are to be more dense and then transition to lower density development patterns” (2014 Comprehensive Plan Update, page 34).

The 2014 Comprehensive Plan Update provided the Preferred Land Use Plan. This Plan provides a village center/node at Fairhope Avenue and State Highway 181 and a commercial node at Twin Beech Road and State Highway 181 (2014 Comprehensive Plan Update, page 33). The Fairhope Avenue/State HWY 181 village center is approximately 1.52 miles northwest of the subject property. Further, the separation distance from subject property to the State HWY 181/Fairhope Avenue Village Node removes the subject property from the “immediate area” and influence area of a village center where higher densities would be appropriate and expected. Therefore, the compatibility analysis only considers the weighted densities of the surrounding properties described in the compatibility analysis. If the subject property was considered in the “immediate area” or in an influence area of the village center, higher density would factor into the compatibility analysis. As a result, the higher density proposed by the subject application would possibly be contemplated by the Comprehensive Plan.

The Comprehensive Plan identifies 4 village centers and 6 commercial nodes throughout the City and its environs. The subject property is located approximately 0.45 miles east of the Twin Beech Road/State HWY 181 commercial node contemplated by the 2014 Comprehensive Plan update. Commercial nodes typically will occupy between 2 to 30,000 square feet per corner (2014 Comprehensive Plan, page 34). Further, the Comprehensive Plan calls for commercial nodes to be commercial convenience uses such as a gas station (non-repair), bank, small

shopping center, drug store, and restaurants (page 38). Essentially, the commercial nodes are commercial uses intended to serve the daily commercial needs of nearby residential developments at a scale, character and intensity compatible with neighborhood uses preferably in a walkable format. The Comprehensive Plan does not support increased density around the node. An excerpt map from the Comprehensive Plan depicting the Twin Beech Road/State HWY 181 commercial node is depicted below:



At the macro level the compatibility analysis reveals that the requested development density is 3.18 units/acre, approximately 37% greater than the average development density of 2.32 units/acre for the adjacent areas and surrounding neighborhoods. However, the requested development density of the current application is an approximately 12% reduction in requested density from the 3.45 units per acre request presented at the February 5, 2018 Planning Commission meeting. Further, the varying lot sizes of the current application were strategically placed to create zones of compatibility with adjacent areas.

At the micro level staff must consider adjacent areas and surrounding neighborhoods in its analysis, but staff also recognizes that a development may be oriented with varying areas of density. Staff analyzed the new orientation of the lots within the currently proposed PUD as well as the increases in lot size of the proposed PUD and determined that a corridor of compatibility was created along Twin Beech Road across Twin Beech Road from a series of existing, large, unzoned lots that exceed the minimum lot size required by R-1 Zoning District. The proposed lots along Twin Beech Road, when compared to a similar geographical area encompassing existing lots south of Twin Beech Road, exhibit a development density (2.16 units per acre) 13% less than the development density of the existing lots fronting the south side of Twin Beech Road (2.45 units per acre).

The increases to lot size and orientation of larger lots that transition from larger lots to smaller lots, with the smallest lots farthest away from areas of lower density demonstrates the proposed development's compensation for its higher overall development density from the adjacent areas and

surround neighborhoods. In addition, the proposed PUD's development design includes compatibility measures to mitigate impacts to the immediate adjoining properties including:

- 1. The subject property is entirely bordered on the east, north, and west sides by existing vegetation which shall remain in place as described in the applicant's narrative.
- 2. The subject property is bordered on the south side by green space and a retention pond which creates a buffer from the properties on the south side of Twin Beech Road. This green space is above and beyond the ROW setback required by Twin Beech Road.
- 3. The smaller (52' wide) lots included through the development in the initial application now occur in the inner perimeter of the development. The outer perimeter lots are 75' wide, and all but one lot fronting upon Twin Beech Road is at least 100' wide.

Site Photos



Subject property looking west along CR 44



Subject property looking east along CR 44



Subject property looking northwest from CR 44



Subject property looking northeast from CR 44

Additional Background Information:

The City of Fairhope Planning Commission, at its July 2, 2018 regular meeting, unanimously recommended APPROVAL of Case # SD 18.24, preliminary plat approval of Twin Beech Estates, a 72-lot subdivision contingent upon the following conditions:

- 1) City Council approval of Case # ZC 18.02, annexation of subject properties and re-zoning to PUD.
- 2) Waiver of five (5) of the ten (10) LID techniques required by Article V, Section F.11.f.(1)-(15).
Five LID techniques are utilized in eight (8) locations as indicated in Article V, Section F.8.e.-g. in the “comments” section above.

Staff Recommendation:

Staff recommends the requested conditional annexation to Planned Unit Development (PUD) be APPROVED and forwarded to the City Council for consideration.

Planning Commission Recommendation:

The City of Fairhope Planning Commission, at its May 7, 2018 regular meeting, unanimously recommended APPROVAL of the requested conditional annexation to Planned Unit Development (PUD) the recommendation be forwarded to the City Council for consideration.

ORDINANCE NO. _____

**AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 1176,
ORDINANCE NO. 1222, AND ORDINANCE NO. 1531 KNOWN AS
THE CITY OF FAIRHOPE'S LODGING TAX ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE ALABAMA, as follows:

Section 1. Levy of Tax in the City. For the privilege of engaging or continuing within the city in the business activities hereinafter referred to, there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amounts to be determined by the application of rates against gross receipts as follows:

There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm, or corporation engaging in the business of renting or furnishing any room or rooms, lodgings, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of seven (7) percent of the charge for such room, rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such room. The tax shall not apply to rooms, lodgings or accommodations supplied for a period of one hundred eighty (180) continuous days or more in any place.

Section 2. Levy of Tax in the Police Jurisdiction. For that privilege of engaging or continuing in the business activities hereinafter referred to within the police jurisdiction of the city outside of its corporate limits, there is hereby levied, in addition to all taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the persons on account of the business activities and in the amounts to be determined by the application of rates against gross receipts as follows:

There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm, or corporation engaging in the business of renting or furnishing any room or rooms, lodgings, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of three and a half (3 1/2) percent of the charge for such room, rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such room. The tax shall not apply to rooms, lodgings, or accommodations supplied for a period of one hundred eighty (180) continuous days or more in any place.

Ordinance No. _____

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Section 3. Provisions of State Lodgings Tax Statutes Applicable to this Ordinance and Taxes Herein Levied. This ordinance and the taxes herein levied shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, and punishments, and deductions that are applicable to the taxes levied by the state lodgings tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the state lodgings tax statutes for enforcement and collection of taxes.

Section 4. Adding Amount of Tax to Price. Any person on whom the taxes levied by this ordinance are imposed may add the tax herein levied to the receipts from rental of rooms, lodgings or accommodations and may collect same from the occupants of such rooms, but this section is not mandatory.

Section 5. This Ordinance Cumulative to General License Code or Ordinance. This ordinance shall not be construed to repeal any of the provisions of the general license code or ordinance of the City but shall be held to be cumulative, and the amounts of the taxes herein levied shall be in addition to the amounts of all other license taxes imposed by the City by its general license code or ordinance.

Severability. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

Effective Date. This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED AND APPROVED THIS 8TH DAY OF OCTOBER, 2018

Karin Wilson, Mayor

ATTEST:

Lisa A. Hanks, MMC
City Clerk

ORDINANCE NO. 1176

AN ORDINANCE LEVYING A PRIVILEGE OR LICENSE TAX AGAINST PERSONS, FIRMS OR CORPORATION ENGAGED IN THE BUSINESS OF FURNISHING ROOMS, LODGINGS, OR ACCOMMODATIONS TO TRANSIENTS IN THE CITY OF FAIRHOPE, ALABAMA, OR WITHIN ITS POLICE JURISDICTION; PROVIDING FOR THE COLLECTION OF THE SAID TAX; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ORDINED by the City Council of the City of Fairhope in the State of Alabama, as follows:

Section 1. Levy of Tax in the City. For the privilege of engaging or continuing within the City in the business activities hereinafter referred to, there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amounts to be determined by the application of rates against gross receipts as follows:

- (a) There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm, or corporation engaging in the business of renting or furnishing any room or rooms, lodgings, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of for (4%) percent of the charge for such room, rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such room. The tax shall not apply to rooms, lodgings or accommodations supplied for a period of thirty (30) continuous days or more in any place.

Section 2. Levy of Tax in the Police Jurisdiction. For that privilege of engaging or continuing in the business activities hereinafter referred to within the police jurisdiction of the city outside of its corporate limits, there is hereby levied, in addition to all taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the persons on account of the business activities and in the amounts to be determined by the application of rates against gross receipts as follows:

- (a) There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm, or corporation engaging in the business or renting or furnishing any room or rooms, lodgings, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of two (2%) percent of the charge for such room, rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such room. The tax shall not apply to rooms, lodgings, or accommodations supplied for a period of thirty (30) continuous days or more in any place.

Section 3. Provisions of State Lodgings Tax Statutes Applicable to this Ordinance and Taxes Herein Levied. This ordinance and the taxes herein levied shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, and punishments, and deductions that are applicable to the taxes levied by the state lodgings tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the state lodgings tax statutes for enforcement and collection of taxes.

Section 4. Adding Amount of Tax to Price. Any person on whom the taxes levied by this ordinance are imposed may add the tax herein levied to the receipts from rental of rooms, lodgings or accommodations and may collect same from the occupants of such rooms, but this section is not mandatory.

Section 5. This Ordinance Cumulative to General License Code or Ordinance. This ordinance shall not be construed to repeal any of the provisions of the general license code or ordinance of the City but shall be held to be cumulative, and the amounts of the taxes herein levied shall be in addition to the amounts of all other license taxes imposed by the City by its general license code or ordinance.

Ordinance No. 1176
Lodging Tax Ordinance
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Section 6. Severability. Each and every provision of this ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void and invalid shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might have been held invalid.

Section 7. Effective Date. This ordinance shall become effective on the first day of October 2003, and the first payment of taxes hereunder shall be due and payable on the Tenth day of the following month. This ordinance shall be in full force upon its adoption and publication as provided by law.

ADOPTED THIS 8th DAY of September, 2003.

Timothy Kant, Mayor

ATTEST:

Geniece W. Johnson, City Clerk/Treasurer

ORDINANCE NO. 1222

AN ORDINANCE LEVYING A PRIVILEGE OR LICENSE TAX AGAINST PERSONS, FIRMS OR CORPORATION ENGAGED IN THE BUSINESS OF FURNISHING ROOMS, LODGINGS, OR ACCOMMODATIONS TO TRANSIENTS IN THE CITY OF FAIRHOPE, ALABAMA, OR WITHIN ITS POLICE JURISDICTION; PROVIDING FOR THE COLLECTION OF THE SAID TAX; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE. AMENDING ORDINANCE NO 1176.

BE IT ORDAINED by the City Council of the City of Fairhope in the State of Alabama, as follows:

Section 1. Levy of Tax in the City. For the privilege of engaging or continuing within the City in the business activities hereinafter referred to, there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amounts to be determined by the application of rates against gross receipts as follows:

- (a) There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm, or corporation engaging in the business of renting or furnishing any room or rooms, lodgings, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of four (4%) percent of the charge for such room, rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such room. The tax shall not apply to rooms, lodgings or accommodations supplied for a period of thirty (30) continuous days or more in any place.

Section 2. Levy of Tax in the Police Jurisdiction. For that privilege of engaging or continuing in the business activities hereinafter referred to within the police jurisdiction of the city outside of its corporate limits, there is hereby levied, in addition to all taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the persons on account of the business activities and in the amounts to be determined by the application of rates against gross receipts as follows:

- (a) There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm, or corporation engaging in the business or renting or furnishing any room or rooms, lodgings, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of two (2%) percent of the charge for such room, rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such room. The tax shall not apply to rooms, lodgings, or accommodations supplied for a period of thirty (30) continuous days or more in any place.
- Section 3. Provisions of State Lodgings Tax Statutes Applicable to this Ordinance and Taxes Herein Levied. This ordinance and the taxes herein levied shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, and punishments, and deductions that are applicable to the taxes levied by the state lodgings tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the state lodgings tax statutes for enforcement and collection of taxes.
- Section 4. Adding Amount of Tax to Price. Any person on whom the taxes levied by this ordinance are imposed may add the tax herein levied to the receipts from rental of rooms, lodgings or accommodations and may collect same from the occupants of such rooms, but this section is not mandatory.
- Section 5. Payments – All payments are due on or before the twentieth (20th) day of the month following the month during which tax is accrued.
- Section 6. Discount – A discount is allowed for timely payment of the tax due and is calculated as follows: 5% on the 1st \$100.00 of tax due, plus 2% of all tax over \$100.00.
- Section 7. Penalty – Tax payments received after the due date are subject to a “failure of timely pay” penalty equal to the greater of 10% of the tax required to be paid or \$50.00.

Section 8. This Ordinance Cumulative to General License Code or Ordinance. This ordinance shall not be construed to repeal any of the provisions of the general license code or ordinance of the City but shall be held to be cumulative, and the amounts of the taxes herein levied shall be in addition to the amounts of all other license taxes imposed by the City by its general license code or ordinance.

Section 9. Severability. Each and every provision of this ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void and invalid shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might have been held invalid.

Section 10. Effective Date. This ordinance shall be in full force upon its adoption and publication as provided by law. This ordinance shall become effective on the first day of August 2004, for payment due September 20th and thereafter.

ADOPTED THIS 28th DAY of June, 2004.

Timothy Kant, Mayor

ATTEST:

Geniece W. Johnson, City Clerk/Treasurer

ORDINANCE NO. 1531

**AN ORDINANCE AMENDING ORDINANCE NO. 1176
AND ORDINANCE NO. 1222 KNOWN AS
THE CITY OF FAIRHOPE'S LODGING TAX ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE ALABAMA, as follows:

The ordinance known as the City of Fairhope's Lodging Tax Ordinance No. 1176 and Ordinance No. 1222 are hereby amended in respect to the certain sections below and all other sections within these ordinances remain as written and adopted:

Section 1. Levy of Tax in the City. For the privilege of engaging or continuing within the city in the business activities hereinafter referred to, there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amounts to be determined by the application of rates against gross receipts as follows:

There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm, or corporation engaging in the business of renting or furnishing any room or rooms, lodgings, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of four (4) percent of the charge for such room, rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such room. The tax shall not apply to rooms, lodgings or accommodations supplied for a period of one hundred eighty (180) continuous days or more in any place.

Section 2. Levy of Tax in the Police Jurisdiction. For that privilege of engaging or continuing in the business activities hereinafter referred to within the police jurisdiction of the city outside of its corporate limits, there is hereby levied, in addition to all taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the persons on account of the business activities and in the amounts to be determined by the application of rates against gross receipts as follows:

There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm, or corporation engaging in the business or renting or furnishing any room or rooms, lodgings, or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of two (2) percent of the charge for such room, rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in such room. The tax shall not apply to rooms, lodgings, or accommodations supplied for a period of one hundred eighty (180) continuous days or more in any place.

Ordinance No. 1531

Page -2-

Severability. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

Effective Date. This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2015

Timothy M. Kant, Mayor

ATTEST:

Lisa A. Hanks, MMC
City Clerk

RESOLUTION NO. _____

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

[1] That the City of Fairhope did request, receive, and open bids for Erosion Control and Stabilization of Rock Creek for the Public Works Department (Bid Number 033-18) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for
Erosion Control and Stabilization of Rock Creek
for the Public Works Department

[3] After evaluating the bid proposals with the required bid specifications, only one valid bid was received and we request that all bids be rejected for Bid No. 033-18 for Erosion Control and Stabilization of Rock Creek for the Public Works Department; and authorize to negotiate a contract with the one bidder, pursuant to the Code of Alabama 1975, Section 39-2-6(b).

Adopted on this 8th day of October, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk



SEP 27 '18 PM 12:43

LMS

MEMO

Karin Wilson
Mayor

To: Michael Hinson, Treasurer
From: *Delores A Brandt*
Delores A Brandt, Purchasing Clerk

Date: September 27, 2018

Re: Placing on City Council agenda award of **Bid No 033-18 Erosion Control and Stabilization of Rock Creek**

Council Members
Kevin G. Boone
Robert A. Brown
Jack Burrell, ACOMO
Jimmy Conyers
Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Michael V. Hinson, CPA
City Treasurer

On September 25, 2018 **Bid No 033-18 Erosion Control and Stabilization of Rock Creek** was opened, and a Bid Tabulation and Recommendation prepared by Volkert, Inc. (see attached). Out of at least, seven potential bidders, one company submitted a bid. The recommendation of the requesting department (Public Works Dept) is to reject all bids, and authorize designated personnel to negotiate a contract with the one resposdee, Please move this forward to the Council agenda.

Please place on the next available City Council Agenda this Bid Tab and Recommendation to reject all bids for Bid No 033-18 **Erosion Control and Stabilization of Rock Creek**, and negotiate a contract with the one bidder

Cc:

161 North Section Street
PO Drawer 429
Fairhope, Alabama 36533

251-928-2136

251-928-6776 Fax
www.fairhopeal.gov



Volkert, Inc.
1680 West 2nd Street,
Suite B
Gulf Shores, AL 36542

September 25, 2018

Mr. Richard Johnson, P.E.
Public Works Director
City of Fairhope
555 South Section Street
Fairhope, AL 36532

Office 251.968.7551
Fax 251.968.2318
GulfShores@volkert.com

www.volkert.com

**Subject: Bid No. 033-18
Erosion Control and Stabilization of Rock Creek
Volkert Contract No. 0759900.ALV**

Dear Mr. Johnson:

Enclosed is the Tabulation of Bids from the September 25, 2018 bid opening on the above-referenced project.

We have reviewed the submitted bid proposal. There was one (1) arithmetic error noted in Streamline Environmental, LLC's bid in the amount of \$50.00. This error increased the low bid amount to \$934,475.00. The bid was reviewed for unbalanced bidding and appears to be in order.

As the bid amount is in excess of the city's stated budget it is recommended that a value-engineering be pursued. In the event that an acceptable agreement can not be reached, we would recommend the bids be rejected and the project be re-bid.

Should you have any questions or require additional information, please call.

Sincerely,
VOLKERT, INC.

Andrew E. James, P.E.
Project Manager

w/enclosures

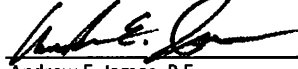


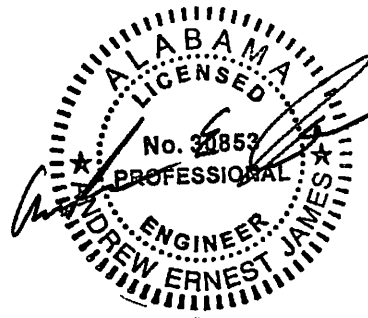
Tabulation of Bids
 Bid No. 033-18 Erosion Control and Stabilization of Rock Creek
 City of Fairhope, AL

Bid Item	Item Description	Unit	Quantity	Streamline Environmental		Engineer	
				Unit Price	Extension	Unit Price	Extension
1.1	Mobilization	LS	1	\$ 50,000.00	\$ 50,000.00	\$ 20,000.00	\$ 20,000.00
1.2	Construction Stakeout	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 7,500.00	\$ 7,500.00
2.3	Clearing and Grubbing	AC	1.6	\$ 10,000.00	\$ 16,000.00	\$ 4,000.00	\$ 6,400.00
2.4	Construction Access Roads	LS	1	\$ 12,000.00	\$ 12,000.00	\$ 4,500.00	\$ 4,500.00
3.2	Unclassified Excavation and Grading	CY	4550	\$ 12.50	\$ 56,875.00	\$ 13.00	\$ 59,150.00
4.2	Rock J-Hook	EA	1	\$ 8,500.00	\$ 8,500.00	\$ 10,000.00	\$ 10,000.00
4.3	Constructed Boulder Riffle	EA	2	\$ 40,000.00	\$ 80,000.00	\$ 15,000.00	\$ 30,000.00
4.4	Log and Rock Drop Structure	EA	4	\$ 5,000.00	\$ 20,000.00	\$ 1,500.00	\$ 6,000.00
4.5	Log Vane	EA	1	\$ 4,500.00	\$ 4,500.00	\$ 2,000.00	\$ 2,000.00
4.6	Vegetated Rip Rap (Class 2 & Class 3)	TN	3275	\$ 115.00	\$ 376,625.00	\$ 95.00	\$ 311,125.00
4.7	Class 2 Riprap for Slopes	TN	430	\$ 115.00	\$ 49,450.00	\$ 75.00	\$ 32,250.00
4.8	Wood Toe	LF	106	\$ 150.00	\$ 15,900.00	\$ 125.00	\$ 13,250.00
4.9	Sheet Pile Grade Control PZ-22 or Approved Equal	LS	1	\$ 145,950.00	\$ 145,950.00	\$ 75,000.00	\$ 75,000.00
5.1	Temporary Construction Entrance	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 6,000.00	\$ 6,000.00
5.2	Silt Fence	LF	600	\$ 7.50	\$ 4,500.00	\$ 6.50	\$ 3,900.00
5.4	Temporary/ Supplemental Seeding	AC	1	\$ 1,500.00	\$ 1,500.00	\$ 350.00	\$ 350.00
5.5	Mulch	AC	1	\$ 1,000.00	\$ 1,000.00	\$ 750.00	\$ 750.00
5.6	Coir Fiber Mat	SY	3725	\$ 8.00	\$ 29,800.00	\$ 8.00	\$ 29,800.00
5.7	Pump Around Operation	EA	1	\$ 25,000.00	\$ 25,000.00	\$ 5,000.00	\$ 5,000.00
6.2	Permanent Seeding	AC	1	\$ 2,500.00	\$ 2,500.00	\$ 1,500.00	\$ 1,500.00
6.3	Live Stakes	EA	1665	\$ 6.00	\$ 9,990.00	\$ 1.92	\$ 3,196.80
6.4	Bare Root Vegetation	AC	1	\$ 1,500.00	\$ 1,500.00	\$ 10,000.00	\$ 10,000.00
7.1	As-Built Survey	LS	1	\$ 8,500.00	\$ 8,500.00	\$ 10,000.00	\$ 10,000.00
--	Allowance for NPDES Permit Fee	LS	1	\$ 1,385.00	\$ 1,385.00	\$ 1,385.00	\$ 1,385.00
Total Bid Price				\$	934,475.00	\$	649,056.80

- Streamline Environmental, LLC had an arithmetic error on item 4.9 in the amount of \$50.00. The total bid price for this item was \$145,950.00. Their total bid price was \$934,475.00.

I, Andrew E. James, Project Manager, Volkert, Inc., do hereby certify that this tabulation of bids received by the City of Fairhope Public Works Department on the 25th day of September, 2018 for construction of the herein referenced project, is a true and correct copy of the bids submitted by the within named corporations.


 Andrew E. James, P.E.
 Volkert, Inc.



9-25-18

RESOLUTION NO. _____

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

[1] That the City of Fairhope has voted to purchase Annual Maintenance Agreement for the Dispatch Console, Field Implementation Service, and System Upgrade for the Radios used by the Fairhope Volunteer Fire Department; from Motorola Solutions, Inc. as Sole Source Distributor; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13): "Contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible to award by competitive bidding." The cost will be \$24,180.88.

Adopted on this 8th day of October, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

City of Fairhope Project Funding Request

Issuing Date: 9/18/2018

Please return this Routing Sheet to Treasurer by: ASAP

Project Name: Motorola Dispatch Console System Upgrade for Annual Maintenance Agreement OCT 2 '18 AM 9:37
[Signature]

Project Location: Police

Presented to City Council: 10/8/2018 Resolution # : _____
Approved _____

Funding Request Sponsor: Jeff Montgomery, IT Director Changed _____
Rejected _____

Project Cash Requirement Requested:
Cost: \$24,180.88

Vendor: Motorola Solutions Inc.

Project Engineer: n/a

Order Date: n/a Lead Time: n/a

Department Funding This Project							
General XXX	Gas	Electric	Water	Sewer	Gas Tax	Cap Proj	Impact
<u>Department of General Fund Providing the Funding</u>							
Admin-10	Police-15 XX Golf-50	Fire-20 Golf Grounds-55	Rec-25	Adult Rec-30 Debt Service-85	Marina-34	Street-35	Sanitation-40

Project will be:

Expensed <u>XXX</u> Capitalized _____ Inventoried _____ Expense Code: <u>001150-50380</u> G/L Acct Name: <u>Telephone</u> Project Budgeted: <u>\$25,000.00</u> Over (Under) budget amount: <u>(\$819.12)</u> Comments: Included in proposed FY 2019 budget operating expenses	Funding Source: Operating Expenses <u>XXX</u> Budgeted Capital _____ Unfunded _____ Grant: _____ _____ _____ Bond: _____ Loan: _____ _____ _____ Capital Lease: _____
---	--

Federal - not to exceed amount
State _____
City _____
Title _____ Year _____
Title _____ Year _____
Payment _____ Term _____

City Council Prior Approval/Date? No

<u>City Treasurer</u> Purchasing Memo Date: <u>9/27/18</u> Request Approved Date: <u>9/27/18</u> Signatures: <i>[Signature]</i> Michael V. Hinson CPA	<u>Finance Director</u> Delivered To Date: <u>9/27/18</u> Approved Date: <u>9/27/18</u> Signatures: <i>[Signature]</i> Jill Cabiniss, MBA	<u>Mayor</u> Delivered To Date: <u>9/27/18</u> Approved Date: <u>9/27/18</u> Signatures: <i>[Signature]</i> Mayor Karin Wilson
---	---	--



MEMO

Karin Wilson
Mayor

To: Michael Hinson, Treasurer
From: Delores A Brandt
Delores A Brandt, Purchasing Clerk

Date: September 17, 2018

Council Members
Kevin G. Boone
Robert A. Brown
Jack Burrell, ACOMO
Jimmy Conyers
Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Michael V. Hinson, CPA
City Treasurer

Re: Council Approval -- Greensheet request for over \$10,000 for Motorola Dispatch Console, Field Implementation Service, and System Upgrade for Annual Maintenance Agreement

The I.T. Department requests approval to procure the Motorola a Dispatch Console, Field Implementation Service, and System Upgrade for Annual Maintenance Agreement or the radios used by the Fairhope PD. This Maintenance Contract is with MOTOROLA SOLUTIONS, INC. The cost of the annual maintenance contract will be **TWENTY-FOUR THOUSAND ONE HUNDRED EIGHTY DOLLARS AND EIGHTY-EIGHT CENTS (\$24,180.88)**. This product is **exclusively** available for procurement from MOTOROLA SOLUTIONS, INC. of Schaumburg, IL. Code of Alabama, 1975 makes provision for procurements of this nature in:

Section 41-16-51-(13)

Contracts for which competitive bidding not required.

(13) Contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible to award by competitive bidding.

This request is therefore, to have City Council approve this procurement per Section 41-16-51-(13)

161 North Section Street
PO Drawer 429
Fairhope, Alabama 36533

251-928-2136

251-928-6776 Fax
www.fairhopeal.gov

NOTE:
See Attached Vendor Support Services Quote for details.

Please compose a greensheet and forward to City Council to approve this procurement of Dispatch Console, Field Implementation Service, and System Upgrade for the Annual Maintenance Agreement with Motorola Solutions, Inc. in the amount of \$24,180.88 for the radios for the Fairhope PD.

Cc: file, J. Montgomery

CITY OF FAIRHOPE

SEP 06 2018



MOTOROLA SOLUTIONS ACCTS PAYABLE SERVICE AGREEMENT

1299 E Algonquin Road
Schaumburg, IL 60196
(800) 247-2346

Contract Number: USC000006351
Contract Modifier: R16-NOV-17 09:53:14

Date: 06-SEP-2018

Company Name: Fairhope, City Of Attn.: Billing Address: 107 N Section St City, State, Zip Code: Fairhope, AL 36532 Customer Contact: Jeff Montgomery Phone:
--

P.O.#: N/A
 Customer #: 1036770164
 Bill to Tag#: 0001
 Contract Start Date: 01-MAR-2018
 Contract End Date: 28-FEB-2019
 Payment Cycle: ANNUALLY
 Currency: USD

QTY	MODEL/OPTION	SERVICES DESCRIPTION	MONTHLY EXT	EXTENDED AMT
3	LSV01S00532A	***** Recurring Services ***** ASTRO ADV+ AR_SM DISPATCH CONSOLE SZ046B2D3	\$1,309.67	\$15,716.00
1	SVC02SVC0433A	ASTRO SUA II FIELD IMPLEMENTATN SVC	\$43.58	\$523.00
	SVC04SVC0169A	SYSTEM UPGRADE AGREEMENT II	\$661.82	\$7,941.88
Sub Total			\$2,015.07	\$24,180.88
Taxes			\$0.00	\$0.00
Grand Total			\$2,015.07	\$24,180.88
SPECIAL INSTRUCTIONS - ATTACH STATEMENT OF WORK FOR PERFORMANCE DESCRIPTIONS			THIS SERVICE AMOUNT IS SUBJECT TO STATE AND LOCAL TAXING JURISDICTIONS WHERE APPLICABLE, TO BE VERIFIED BY MOTOROLA SOLUTIONS	

Subcontractor(s)	City	State
Technical Support Operations	Schaumburg	IL
Communications Engineering Services Inc	Mobile	AL
SSC Network Security	Schaumburg	IL
Network Management Operations	Schaumburg	IL
T4 SUA FIELD IMPLEMENTATION	Lawrenceville	GA
NIO SSA Team	Schaumburg	IL
Call Center Operations	Schaumburg	IL
Infrastructure Depot Operations IDO	Elgin	IL

I received Statements of Work that describe the services provided on this Agreement. Motorola's Service Terms and Conditions, a copy of which is attached to this Service Agreement, is incorporated herein by this reference.

AUTHORIZED CUSTOMER SIGNATURE	TITLE	DATE
CUSTOMER (PRINT NAME)		

Amanda McWilliams
MOTOROLA REPRESENTATIVE (SIGNATURE) CSM TITLE 9/6/2018 DATE

Amanda McWilliams
MOTOROLA REPRESENTATIVE (PRINT NAME) (615) 809-4911 PHONE

Company Name : Fairhope, City Of
Contract Number : USC000006351
Contract Modifier : R16-NOV-17 09:53:14
Contract Start Date : 01-MAR-2018
Contract End Date : 28-FEB-2019

Service Terms and Conditions

Motorola Solutions Inc. ("Motorola") and the customer named in this Agreement ("Customer") hereby agree as follows:

Section 1. APPLICABILITY

These Maintenance Service Terms and Conditions apply to service contracts whereby Motorola will provide to Customer either (1) maintenance, support, or other services under a Motorola Service Agreement, or (2) installation services under a Motorola Installation Agreement.

Section 2. DEFINITIONS AND INTERPRETATION

2.1. "Agreement" means these Maintenance Service Terms and Conditions; the cover page for the Service Agreement or the Installation Agreement, as applicable; and any other attachments, all of which are incorporated herein by this reference. In interpreting this Agreement and resolving any ambiguities, these Maintenance Service Terms and Conditions take precedence over any cover page, and the cover page takes precedence over any attachments, unless the cover page or attachment states otherwise.

2.2. "Equipment" means the equipment that is specified in the attachments or is subsequently added to this Agreement.

2.3. "Services" means those installation, maintenance, support, training, and other services described in this Agreement.

Section 3. ACCEPTANCE

Customer accepts these Maintenance Service Terms and Conditions and agrees to pay the prices set forth in the Agreement. This Agreement becomes binding only when accepted in writing by Motorola. The term of this Agreement begins on the "Start Date" indicated in this Agreement.

Section 4. SCOPE OF SERVICES

4.1. Motorola will provide the Services described in this Agreement or in a more detailed statement of work or other document attached to this Agreement. At Customer's request, Motorola may also provide additional services at Motorola's then-applicable rates for the services.

4.2. If Motorola is providing Services for Equipment, Motorola parts or parts of equal quality will be used; the Equipment will be serviced at levels set forth in the manufacturer's product manuals; and routine service procedures that are prescribed by Motorola will be followed.

4.3. If Customer purchases from Motorola additional equipment that becomes part of the same system as the initial Equipment, the additional equipment may be added to this Agreement and will be billed at the applicable rates after the warranty for that additional equipment expires.

4.4. All Equipment must be in good working order on the Start Date or when additional equipment is added to the Agreement. Upon reasonable request by Motorola, Customer will provide a complete serial and model number list of the Equipment. Customer must promptly notify Motorola in writing when any Equipment is lost, damaged, stolen or taken out of service. Customer's obligation to pay Service fees for this Equipment will terminate at the end of the month in which Motorola receives the written notice.

4.5. Customer must specifically identify any Equipment that is labeled intrinsically safe for use in hazardous environments.

4.6. If Equipment cannot, in Motorola's reasonable opinion, be properly or economically serviced for any reason, Motorola may modify the scope of Services related to that Equipment; remove that Equipment from the Agreement; or increase the price to Service that Equipment.

4.7. Customer must promptly notify Motorola of any Equipment failure. Motorola will respond to Customer's notification in a manner consistent with the level of Service purchased as indicated in this Agreement.

Section 5. EXCLUDED SERVICES

5.1. Service excludes the repair or replacement of Equipment that has become defective or damaged from use in other

than the normal, customary, intended, and authorized manner; use not in compliance with applicable industry standards; excessive wear and tear; or accident, liquids, power surges, neglect, acts of God or other force majeure events.

5.2. Unless specifically included in this Agreement, Service excludes items that are consumed in the normal operation of the Equipment, such as batteries or magnetic tapes.; upgrading or reprogramming Equipment; accessories, belt clips, battery chargers, custom or special products, modified units, or software; and repair or maintenance of any transmission line, antenna, microwave equipment, tower or tower lighting, duplexer, combiner, or multicoupler. Motorola has no obligations for any transmission medium, such as telephone lines, computer networks, the Internet or the worldwide web, or for Equipment malfunction caused by the transmission medium.

Section 6. TIME AND PLACE OF SERVICE

Service will be provided at the location specified in this Agreement. When Motorola performs service at Customer's location, Customer will provide Motorola, at no charge, a non-hazardous work environment with adequate shelter, heat, light, and power and with full and free access to the Equipment. Waivers of liability from Motorola or its subcontractors will not be imposed as a site access requirement. Customer will provide all information pertaining to the hardware and software elements of any system with which the Equipment is interfacing so that Motorola may perform its Services. Unless otherwise stated in this Agreement, the hours of Service will be 8:30 a.m. to 4:30 p.m., local time, excluding weekends and holidays. Unless otherwise stated in this Agreement, the price for the Services exclude any charges or expenses associated with helicopter or other unusual access requirements; if these charges or expenses are reasonably incurred by Motorola in rendering the Services, Customer agrees to reimburse Motorola for those charges and expenses.

Section 7. CUSTOMER CONTACT

Customer will provide Motorola with designated points of contact (list of names and phone numbers) that will be available twenty-four (24) hours per day, seven (7) days per week, and an escalation procedure to enable Customer's personnel to maintain contact, as needed, with Motorola.

Section 8. INVOICING AND PAYMENT

8.1 Customer affirms that a purchase order or notice to proceed is not required for the duration of this service contract and will appropriate funds each year through the contract end date. Unless alternative payment terms are stated in this Agreement, Motorola will invoice Customer in advance for each payment period. All other charges will be billed monthly, and Customer must pay each invoice in U.S. dollars within twenty (20) days of the invoice date.

8.2 Customer will reimburse Motorola for all property taxes, sales and use taxes, excise taxes, and other taxes or assessments that are levied as a result of Services rendered under this Agreement (except income, profit, and franchise taxes of Motorola) by any governmental entity. The Customer will pay all invoices as received from Motorola. At the time of execution of this Agreement, the Customer will provide all necessary reference information to include on invoices for payment in accordance with this Agreement.

8.3 At the end of the first year of the Agreement and each year thereafter, a CPI percentage change calculation shall be performed. Should the annual inflation rate increase greater than 5% during the previous year, Motorola shall have the right to increase all future maintenance prices by the CPI increase amount exceeding 5%. The Midwest Region Consumer Price Index (https://www.bls.gov/regions/mountain-plains/news-release/consumerpriceindex_midwest.htm), All Items, Not seasonally adjusted shall be used as the measure of CPI for this price adjustment. Measurement will take place once the annual average for the new year has been posted by the Bureau of Labor Statistics

Section 9. WARRANTY

Motorola warrants that its Services under this Agreement will be free of defects in materials and workmanship for a period of ninety (90) days from the date the performance of the Services are completed. In the event of a breach of this warranty, Customer's sole remedy is to require Motorola to re-perform the non-conforming Service or to refund, on a pro-rata basis, the fees paid for the non-conforming Service. MOTOROLA DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

Section 10. DEFAULT/TERMINATION

10.1. If either party defaults in the performance of this Agreement, the other party will give to the non-performing party a written and detailed notice of the default. The non-performing party will have thirty (30) days thereafter to provide a written plan to cure the default that is acceptable to the other party and begin implementing the cure plan immediately after plan approval. If the non-performing party fails to provide or implement the cure plan, then the injured party, in addition to any other rights available to it under law, may immediately terminate this Agreement effective upon giving a written notice of

termination to the defaulting party.

10.2. Any termination of this Agreement will not relieve either party of obligations previously incurred pursuant to this Agreement, including payments which may be due and owing at the time of termination. All sums owed by Customer to Motorola will become due and payable immediately upon termination of this Agreement. Upon the effective date of termination, Motorola will have no further obligation to provide Services.

10.3 If the Customer terminates this Agreement before the end of the Term, for any reason other than Motorola default, then the Customer will pay to Motorola an early termination fee equal to the discount applied to the last three (3) years of Service payments for the original Term.

Section 11. LIMITATION OF LIABILITY

Except for personal injury or death, Motorola's total liability, whether for breach of contract, warranty, negligence, strict liability in tort, or otherwise, will be limited to the direct damages recoverable under law, but not to exceed the price of twelve (12) months of Service provided under this Agreement. **ALTHOUGH THE PARTIES ACKNOWLEDGE THE POSSIBILITY OF SUCH LOSSES OR DAMAGES, THEY AGREE THAT MOTOROLA WILL NOT BE LIABLE FOR ANY COMMERCIAL LOSS; INCONVENIENCE; LOSS OF USE, TIME, DATA, GOOD WILL, REVENUES, PROFITS OR SAVINGS; OR OTHER SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES IN ANY WAY RELATED TO OR ARISING FROM THIS AGREEMENT OR THE PERFORMANCE OF SERVICES BY MOTOROLA PURSUANT TO THIS AGREEMENT.** No action for contract breach or otherwise relating to the transactions contemplated by this Agreement may be brought more than one (1) year after the accrual of the cause of action, except for money due upon an open account. This limitation of liability will survive the expiration or termination of this Agreement and applies notwithstanding any contrary provision.

Section 12. EXCLUSIVE TERMS AND CONDITIONS

12.1. This Agreement supersedes all prior and concurrent agreements and understandings between the parties, whether written or oral, related to the Services, and there are no agreements or representations concerning the subject matter of this Agreement except for those expressed herein. The Agreement may not be amended or modified except by a written agreement signed by authorized representatives of both parties.

12.2. Customer agrees to reference this Agreement on any purchase order issued in furtherance of this Agreement, however, an omission of the reference to this Agreement will not affect its applicability. In no event will either party be bound by any terms contained in a Customer purchase order, acknowledgement, or other writings unless: the purchase order, acknowledgement, or other writing specifically refers to this Agreement; clearly indicate the intention of both parties to override and modify this Agreement; and the purchase order, acknowledgement, or other writing is signed by authorized representatives of both parties.

Section 13. PROPRIETARY INFORMATION; CONFIDENTIALITY; INTELLECTUAL PROPERTY RIGHTS

13.1. Any information or data in the form of specifications, drawings, reprints, technical information or otherwise furnished to Customer under this Agreement will remain Motorola's property, will be deemed proprietary, will be kept confidential, and will be promptly returned at Motorola's request. Customer may not disclose, without Motorola's written permission or as required by law, any confidential information or data to any person, or use confidential information or data for any purpose other than performing its obligations under this Agreement. The obligations set forth in this Section survive the expiration or termination of this Agreement.

13.2. Unless otherwise agreed in writing, no commercial or technical information disclosed in any manner or at any time by Customer to Motorola will be deemed secret or confidential. Motorola will have no obligation to provide Customer with access to its confidential and proprietary information, including cost and pricing data.

13.3. This Agreement does not grant directly or by implication, estoppel, or otherwise, any ownership right or license under any Motorola patent, copyright, trade secret, or other intellectual property, including any intellectual property created as a result of or related to the Equipment sold or Services performed under this Agreement.

Section 14. FCC LICENSES AND OTHER AUTHORIZATIONS

Customer is solely responsible for obtaining licenses or other authorizations required by the Federal Communications Commission or any other federal, state, or local government agency and for complying with all rules and regulations required by governmental agencies. Neither Motorola nor any of its employees is an agent or representative of Customer in any governmental matters.

Section 15. COVENANT NOT TO EMPLOY

Revised June 16, 2018

During the term of this Agreement and continuing for a period of two (2) years thereafter, Customer will not hire, engage on contract, solicit the employment of, or recommend employment to any third party of any employee of Motorola or its subcontractors without the prior written authorization of Motorola. This provision applies only to those employees of Motorola or its subcontractors who are responsible for rendering services under this Agreement. If this provision is found to be overly broad under applicable law, it will be modified as necessary to conform to applicable law.

Section 16. MATERIALS, TOOLS AND EQUIPMENT

All tools, equipment, dies, gauges, models, drawings or other materials paid for or furnished by Motorola for the purpose of this Agreement will be and remain the sole property of Motorola. Customer will safeguard all such property while it is in Customer's custody or control, be liable for any loss or damage to this property, and return it to Motorola upon request. This property will be held by Customer for Motorola's use without charge and may be removed from Customer's premises by Motorola at any time without restriction.

Section 17. GENERAL TERMS

17.1. If any court renders any portion of this Agreement unenforceable, the remaining terms will continue in full force and effect.

17.2. This Agreement and the rights and duties of the parties will be interpreted in accordance with the laws of the State in which the Services are performed.

17.3. Failure to exercise any right will not operate as a waiver of that right, power, or privilege.

17.4. Neither party is liable for delays or lack of performance resulting from any causes that are beyond that party's reasonable control, such as strikes, material shortages, or acts of God.

17.5. Motorola may subcontract any of the work, but subcontracting will not relieve Motorola of its duties under this Agreement.

17.6. Except as provided herein, neither Party may assign this Agreement or any of its rights or obligations hereunder without the prior written consent of the other Party, which consent will not be unreasonably withheld. Any attempted assignment, delegation, or transfer without the necessary consent will be void. Notwithstanding the foregoing, Motorola may assign this Agreement to any of its affiliates or its right to receive payment without the prior consent of Customer. In addition, in the event Motorola separates one or more of its businesses (each a "Separated Business"), whether by way of a sale, establishment of a joint venture, spin-off or otherwise (each a "Separation Event"), Motorola may, without the prior written consent of the other Party and at no additional cost to Motorola, assign this Agreement such that it will continue to benefit the Separated Business and its affiliates (and Motorola and its affiliates, to the extent applicable) following the Separation Event.

17.7. THIS AGREEMENT WILL RENEW, FOR AN ADDITIONAL ONE (1) YEAR TERM, ON EVERY ANNIVERSARY OF THE START DATE UNLESS EITHER THE COVER PAGE SPECIFICALLY STATES A TERMINATION DATE OR ONE PARTY NOTIFIES THE OTHER IN WRITING OF ITS INTENTION TO DISCONTINUE THE AGREEMENT NOT LESS THAN THIRTY (30) DAYS OF THAT ANNIVERSARY DATE. At the anniversary date, Motorola may adjust the price of the Services to reflect its current rates.

17.8. If Motorola provides Services after the termination or expiration of this Agreement, the terms and conditions in effect at the time of the termination or expiration will apply to those Services and Customer agrees to pay for those services on a time and materials basis at Motorola's then effective hourly rates.

17.9. This Agreement may be executed in one or more counterparts, all of which shall be considered part of the Agreement. The parties may execute this Agreement in writing, or by electronic signature, and any such electronic signature shall have the same legal effect as a handwritten signature for the purposes of validity, enforceability and admissibility. In addition, an electronic signature, a true and correct facsimile copy or computer image of this Agreement shall be treated as and shall have the same effect as an original signed copy of this document.

RESOLUTION NO. _____

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council approves the selection of Mott MacDonald, LLC to perform Professional Engineering Services and Feasibility Study of Hardening of Pre-Existing Metal Building at Pecan Street (RFQ No. PS032-18); approves and accepts the not to exceed amount of \$9,500.00; and hereby authorizes Mayor Karin Wilson to execute a contract with Mott MacDonald, LLC for same.

DULY ADOPTED THIS 8TH DAY OF OCTOBER, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

City of Fairhope Project Funding Request

Issuing Date: 9/26/2018

Please return this Routing Sheet to Treasurer by: ASAP

OCT 2 '18 AM 9:37

Project Name: <u>Profession Engineering Services & Feasibility Study of Hardening of Pre-Existing Metal Building at Pecan Street</u>		RFQ PS032-18
Project Location: <u>Pecan Street</u>		
Presented to City Council: <u>10/8/2018</u>	Resolution # : _____	
Funding Request Sponsor: <u>Richard Johnson, Public Works Director</u>	Approved _____	
	Changed _____	
	Rejected _____	
Project Cash Requirement Requested:		
Cost: <u>\$9,500.00</u>		
Vendor: <u>Mott MacDonald of Alabama LLC</u>		
Project Engineer: <u>Mott MacDonald of Alabama LLC</u>		
Order Date: <u>n/a</u>	Lead Time: <u>n/a</u>	

Department Funding This Project							
General	Gas XXX	Electric XXX	Water	Sewer	Gas Tax	Cap Proj	Impact
Department of General Fund Providing the Funding							
Admin-10	Police-15 Golf-50	Fire-20 Golf Grounds-55	Rec-25	Adult Rec-30 Debt Service-85	Marina-34	Street-35	Sanitation-40

Project will be:		Funding Source:	
Expensed _____	Capitalized <u>XXX</u>	Operating Expenses _____	Budgeted Capital <u>XXX</u>
Inventoried _____		Unfunded _____	
Expense Code: 002-16025 003-16025		Grant: _____	Federal - not to exceed amount
G/L Acct Name: <u>Pecan Street Property</u>		_____	State
Project Budgeted: <u>\$9,500.00</u>		_____	City
Over (Under) budget amount: <u>\$0.00</u>	Bond: _____	Title _____	Year _____
Comments: <div style="border: 1px solid black; padding: 5px; display: inline-block;">Incorporated into FY 2019 Budget</div>	Loan: _____	Title _____	Year _____
	Capital Lease: _____	Payment _____	Term _____

City Council Prior Approval/Date? <u>No</u>		
City Treasurer	Finance Director	Mayor
Purchasing Memo Date: <u>9/26/18</u>	Delivered To Date: <u>9/27/18</u>	Delivered To Date: <u>9/27/18</u>
Request Approved Date: <u>9/27/18</u>	Approved Date: <u>9/27/18</u>	Approved Date: <u>10/1/18</u>
Signatures: <u>Michael V. Hinson</u> Michael V. Hinson CPA	<u>Jill Cabiniss</u> Jill Cabiniss, MBA	<u>Karin Wilson</u> Mayor Karin Wilson



Karin Wilson
Mayor

MEMO

Date: September 26, 2018

To: Michael Hinson, Treasurer

From: Delores A Brandt
Delores A Brandt, Purchasing Clerk

Council Members

Kevin G. Boone
Robert A. Brown
Jack Burrell, ACOMO
Jimmy Conyers
Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Michael V. Hinson, CPA
City Treasurer

Re: **RFQ No. PS032-18 Professional Engineering Services and Feasibility Study of Hardening of Pre-Existing Metal Building at Pecan Street**

The City of Fairhope needs to hire a professional consulting firm for **RFQ No. PS032-18, Professional Engineering Services and Feasibility Study of Hardening of Pre-Existing Metal Building at Pecan Street**. Per our Procedure for procuring Professional Services, the Mayor chose, **Mott MacDonald of Alabama LLC**, of Pensacola, FL to provide these services. The purpose for hiring the Engineer is to perform services required to study the feasibility of hardening an existing metal building for use as additional offices for the City.

Please move this procurement of Professional Services forward to the City Council for approval of the Mayor to negotiate a fee with a **Not-To-Exceed amount of NINE THOUSAND FIVE HUNDRED DOLLARS (\$9,500.00)** and sign the contract for the Professional Services

161 North Section Street
PO Drawer 429
Fairhope, Alabama 36533

251-928-2136

251-928-6776 Fax
www.fairhopeal.gov

Please place on the next available City Council Agenda this request for City Council to approve the selection of **Mott MacDonald of Alabama LLC** for **RFQ No. PS032-18 Professional Engineering Services and Feasibility Study of Hardening of Pre-Existing Metal Building at Pecan Street** with not-to-exceed amount of \$9,500.00, and authorize the Mayor to sign the contract.

Cc: file



Mott MacDonald
220 W Garden St.
Pensacola, FL 32502
T 850.484.6011
www.mottmac.com

AAC000035 EB0000155 LB00006783

September 27, 2018

City of Fairhope Public Works Department
555 Section Street
Fairhope, AL 36532

Attn: Richard Johnson, Director of Public Works

Dear Mr. Johnson:

Mott MacDonald thanks you for the opportunity to submit this proposal for Professional Engineering Services. Mott MacDonald is providing this proposal for engineering services related to the Ludwig Pre-Engineered Metal Building at 451 Pecan Ave, Fairhope, AL. The City of Fairhope is interested in moving their public works employees to the existing pre-engineered metal building and are interested in having a hardened structure capable of withstanding hurricane events. Mott MacDonald is tasked to evaluate the feasibility of hardening the existing pre-engineered metal building.

Mott MacDonald's scope of work includes:

- Site visit to establish general condition of the pre-engineered metal building
- Coordination with Ludwig, the pre-engineered metal building manufacturer- Applicable only if building number can be identified
- Compare wind load criteria from original design with current wind load criteria
- Investigate additional requirements outlined in FEMA and International Code Council/ National Storm Shelter Association.
- Evaluate International Existing Building Code requirements for repairs, alterations, and additions to existing buildings for applicability.
- Formulate budgetary cost estimates
- Compose a written report of evaluations, findings, and recommendations

Mott MacDonald proposes to perform the above services on a time and materials basis with a cost not-to-exceed \$9,500.00. Services will be billed on a reimbursable basis at Mott MacDonald's current annual standard hourly rate schedule. See attached for hour and fee schedule.

Thank you for the opportunity to be of service. If you have any questions or concerns regarding any portion of this proposal, please do not hesitate to call.

Very truly yours,
Mott MacDonald

Michael Tugwell, P.E.
Project Engineer

Lowry Denty, P.E.
Principal Project Manager



Proposal Acceptance & Authorization by:

City of Fairhope Public Works Dept.

Date

City of Fairhope
Pre-Engineered Metal Building at 451 Pecan Ave
 September 27, 2018



FEE					
Description	Principle PM	Sr. Project Eng.	Engineer IV	Hrs	Totals
	\$225	\$175	\$125		
Site Visit		8	8	16	\$2,400
Analysis		4	8		\$1,700
Investigate Add'l Req.			8		\$1,000
Report			16		\$2,000
Review	4	8		12	\$2,300
Sub Totals	4	20	40	28	\$9,400
				Expenses	\$100.00
				Grand Total	\$9,500.00



Karin Wilson
Mayor

MEMO

Date: September 26, 2018

To: Michael Hinson, Treasurer

From: Delores A Brandt
Delores A Brandt, Purchasing Clerk.

Council Members

- Kevin G. Boone
- Robert A. Brown
- Jack Burrell, ACMO
- Jimmy Conyers
- Jay Robinson

Re: **RFQ No. PS032-18 Professional Engineering Services and Feasibility Study of Hardening of Existing Pre-Engineered Bldg at Pecan St**

Lisa A. Hanks, MMC
City Clerk

The Public Works Department needs to hire a professional firm for RFQ No. PS032-18 Professional Engineering Services and Feasibility Study of Hardening of Existing Pre-Engineered Bldg at Pecan St

Michael V. Hinson, CPA
City Treasurer

Per our Procedure for Procuring Professional Services, the Public Works Director and I are routing this short list through you, to the Mayor to choose a consultant for the task. This is an unbudgeted request, over \$2,500.00 and must go to City Council.

Please move this procurement of professional services forward to the Mayor for selection of a professional service provider.

The short list is:

[Mayor, please initial and date your selection]

161 North Section Street
PO Drawer 429
Fairhope, Alabama
36533

Approve *[Signature]* 9/26/18

Mott MacDonald Alabama, LLC
220 W. Garden Street
Pensacola, FL 32502
850 484-6011
Michael Tugwell, PE
Lowry Denty, PE

251-928-2136

Disapprove _____ / /

251-928-6776 Fax
www.fairhopeal.gov

Approve _____ / /

Magnolia River Services, Inc.
408 Bank St
Decatur AL 35601
205 337-9825
Nathan Sills

Disapprove _____ / /

Cc: file

RESOLUTION NO. _____

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council approves the selection of HRG - Hudson Reed Group to Professional Architectural Design Services for Renovation of Pecan Street Building for Offices (RFQ No. PS031-18); approves and accepts the not to exceed amount of \$9,000.00; and hereby authorizes Mayor Karin Wilson to execute a contract with HRG - Hudson Reed Group for same.

DULY ADOPTED THIS 8TH DAY OF OCTOBER, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

City of Fairhope Project Funding Request

Issuing Date: 9/27/2018

Please return this Routing Sheet to Treasurer by: ASAP

Project Name: Professional Architectural Design Services for Renovation of Pecan St Building for Offices - RFQ RS031-18

Project Location: Pecan Street

9/27/18 10:57 AM
JAW

Presented to City Council: 10/8/2018

Resolution # :
Approved _____

Funding Request Sponsor: Richard Johnson, Public Works Director

Changed _____

Project Cash Requirement Requested:
Cost: \$9,000.00

Rejected _____

Vendor: HRG-Hudson Reed Group

Project Engineer: HRG-Hudson Reed Group

Order Date: n/a

Lead Time: n/a

Department Funding This Project

General XXX	Gas	Electric	Water	Sewer	Gas Tax	Cap Proj	Impact
<u>Department of General Fund Providing the Funding</u>							
Admin-10 XXX	Police-15 Golf-50	Fire-20 Golf Grounds-55	Rec-25	Adult Rec-30 Debt Service-85	Marina-34	Street-35	Sanitation-40

Project will be:

Expensed _____
Capitalized XXX
Inventoried _____

Funding Source:
Operating Expenses _____
Budgeted Capital XXX
Unfunded _____

Expense Code: 002-16025, 003-16025
G/L Acct Name: Pecan Street Property

Grant: _____
Federal - not to exceed amount
State _____
City _____

Project Budgeted: \$9,000.00

Over (Under) budget amount: \$0.00

Bond: _____ Title _____ Year _____
Loan: _____ Title _____ Year _____

Comments: Incorporated into FY 2019 Budget

Capital Lease: _____ Payment _____ Term _____

City Council Prior Approval/Date? No

City Treasurer

Finance Director

Mayor

Purchasing Memo Date: 9/26/18

Delivered To Date: 9/27/18

Delivered To Date: 9/27/18

Request Approved Date: 9/27/18

Approved Date: 9/27/18

Approved Date: 9/11/18

Signatures: Michael V. Hinson
Michael V. Hinson CPA

Jill Cabiniss
Jill Cabiniss, MBA

Karin Wilson
Mayor Karin Wilson

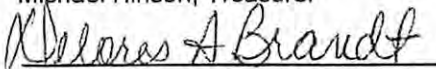


MEMO

Date: September 26, 2018

Karin Wilson
Mayor

To: Michael Hinson, Treasurer

From: 
Delores A Brandt, Purchasing Clerk

Council Members

Kevin G. Boone
Robert A. Brown
Jack Burrell, ACOMO
Jimmy Conyers
Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Michael V. Hinson,
CPA
City Treasurer

Re: **RFQ No. PS031-18 Professional Architectural Design Services for Renovation of Pecan St Building for Offices**

The City of Fairhope needs to hire a professional consulting firm for **RFQ No. PS031-18 Professional Architectural Design Services for Renovation of Pecan St Building for Offices**. Per our Procedure for procuring Professional Services, the Mayor chose, **HRG--Hudson Reed Group** of Fairhope, AL. to provide these services. The purpose for hiring the Consultant is to perform architectural schematic design services required for the renovation of an existing metal building for use as multiple offices for the City. This Task will consist of a program of spaces, an initial building code review, a preliminary floor plan layout, a budget recommendation and coordination with various department heads.

Please move this procurement of professional Services forward to the City Council for approval of the Mayor to negotiate a fee with a **Not-To-Exceed amount of NINE THOUSAND DOLLARS (\$9000.00)** and sign the contract for the Professional services

Please place on the next available City Council Agenda this request for City Council to approve the selection of HRG--Hudson Reed Group for RFQ No. PS031-18 Professional Architectural Design Services for Renovation of Pecan St Building for Offices with not-to-exceed amount of \$9000.00 and authorize the Mayor to sign the contract.

161 North Section
Street
PO Drawer 429
Fairhope, Alabama
36533

251-928-2136

Cc: file

251-928-6776 Fax
www.fairhopeal.gov



DESIGN-BUILD SOLUTIONS

P.O. Box 1436 Fairhope, Alabama 36533 251.751.6383

September 26, 2018

Richard Johnson
City of Fairhope Public Works
Fairhope, Alabama 36532

Re: Proposal for Schematic Design Consulting Services
The "Pecan Building" Renovation

HRG #1808

Richard:

The following is HRG's proposal for Schematic Design for the renovation of the existing "Pecan Building" located on East Pecan Avenue in south Fairhope, into several department offices and multiuse spaces.

SCOPE OF SERVICES

Task 1 – Schematic Design:

This Task will consist of a program of spaces, an initial building code review, a preliminary floor plan layout, a budget recommendation and coordination with various department heads.

FEE FOR PROFESSIONAL SERVICES:

Hourly Fee for Task 1

**Hourly @ \$120/hour
Up to \$9,000.00**

Thank you very much for allowing us to assist you on this project.

Sincerely,

Jeff Hudson III
President / Architect
HRG - Hudson Reed Group



Karin Wilson
Mayor

MEMO

Date: September 26, 2018

To: Michael Hinson, Treasurer
From: Delores A Brandt
Delores A Brandt, Purchasing Clerk.

Council Members
Kevin G. Boone
Robert A. Brown
Jack Burrell, ACMO
Jimmy Conyers
Jay Robinson

Re: **RFQ No. PS031-18 Professional Architectural Design Services for Renovation of Pecan St Building for Offices**

The Public Works Department needs to hire a professional firm for **RFQ No. PS031-18 Professional Architectural Design Services for Renovation of Pecan St Building for Offices**

Lisa A. Hanks, MMC
City Clerk

Per our Procedure for Procuring Professional Services, the Public Works Director and I are routing this short list through you, to the Mayor to choose a consultant for the task. This is an unbudgeted request, over \$2,500.00 and must go to City Council.

Michael V. Hinson, CPA
City Treasurer

Please move this procurement of professional services forward to the Mayor for selection of a professional service provider.

The short list is:

[Mayor, please initial and date your selection]

Approve *KW* 9/26/18

HRG--Hudson Reed Group
P.O. Box 1436
Fairhope, AL 36533
251 751-6383
Jeff Hudson III

161 North Section Street
PO Drawer 429
Fairhope, Alabama
36533

Disapprove _____ / /

251-928-2136

Approve _____ / /
Inc

WAS-- Watkins, Acy, Strunk Design,
P.O. Box 4023
Gulf Shores, AL 36547
251 948-7181
Troy Strunk

251-928-6776 Fax
www.fairhopeal.gov

Disapprove _____ / /

Cc: file

RESOLUTION NO. _____

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Councilman Burrell is hereby authorized to negotiate a continuing contract with the law firm of Jones Walker LLP. Legal services performed by the firm after the date of this resolution, shall be limited to claims that are covered by insurance. Work and expenses related to any issue, potential claim and or matter that is not covered by the City's insurance policies shall not be paid without prior express authorization of Council. Notwithstanding, the City Attorney at his discretion may utilize the services of Jones Walker LLP after proper notice to the Mayor and Council President and may include but not limited to attendance at certain Planning Commission meetings.

DULY ADOPTED THIS 8TH DAY OF OCTOBER, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

RESOLUTION NO. _____

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

[1] That the City of Fairhope has voted to award a Three-Year Lease-Purchase of Golf Course Mower and Utility Vehicles for the Golf Department; and the equipment is available for direct procurement through the Sourcewell Purchasing Coop; and therefore, does not have to be let out for bid. This has been nationally bid through the Sourcewell's bid process. The total cost will be \$202,492.44 or \$5,624.79 per month.

Adopted on this 8th day of October, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk



MEMO

Karin Wilson
Mayor

To: Michael Hinson, Treasurer

From: Delores A Brandt
Delores A Brandt, Purchasing Clerk

Date: September 27, 2018

Re: Placing on City Council agenda approve budgeted acquisition by Lease-Purchase of Golf Course Mower and Utility Vehicles through SOURCEWELL, a buying group.

Council Members
Kevin G. Boone
Robert A. Brown
Jack Burrell, ACMO
Jimmy Conyers
Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Michael V. Hinson, CPA
City Treasurer

The Golf Department has requested the acquisition by lease-purchase of grounds keeping equipment (see attached list). The current lease-purchase is to expire at the end of October 2018, and is financed thru Wells Fargo Financial Leasing Inc. The **new list** of equipment can be obtained through BEARD Equipment Company, who holds the contract for said equipment with SOURCEWELL a buying group. This new equipment can also be financed through Wells Fargo Financial Leasing Inc.

The Golf Department recommends the award be made to Beard Equipment Company, of Mobile, AL., in the amount of FIVE THOUSAND SIX HUNDRED TWENTY-FOUR DOLLARS AND SEVENTY-NINE CENTS (\$5,624.79) **per month** for Thirty-Six Months, for a **total of \$202,492.44**. **There is some urgency in that THIS IS THE CURRENT PRICING VALID THROUGH OCTOBER 15, 2018, and pricing will increase by November.**

Lead Time ARO: 30-45 days. The current leased equipment will be available on a month To month basis until the new units arrive.

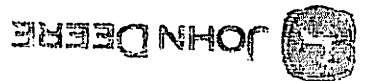
Please place on the next City Council Agenda this request to award three year Lease-Purchase of Golf Course Mower and Utility Vehicles, to Beard Equipment Company, Inc., through The SOURCEWELL buying group, in the amount of \$202,492.44.

Cc:

161 North Section Street
PO Drawer 429
Fairhope, Alabama 36533

251-928-2136

251-928-6776 Fax
www.fairhopeal.gov



September 21, 2018

City of Fairhope, AL
 Quail Creek Golf Course
 550 S. Section St.
 Fairhope, AL 36532

Submitted by Brad Rounsaville
 Territory Manager
 Mobile 228-424-2468

Toll Free: 800-848-8563
 Fax: 251-452-2309

2480 E. I-65 Service Road N.
 Mobile AL 36617

Beard Equipment Company

John Deere Golf Equipment Proposal

Qty.	Make/Model	Description	Sourcewell Unit Price	Extended Sourcewell Unit Price	36 Month True Lease Payment	600 hour limits
2	7700A Precision Cut Fairway Mower 1421TC	41.6 Gross HP Three Cylinder Turbo Diesel Engine, Tier 4 Diesel Engine, eHydro Electronic Controlled, 2WD, Power Steering, 100" Cutting Width, 0.375" to 3" Height of Cut, Deluxe Seat w/ Armrests, Electric over Hydraulic Reel Lift, Tilt Steering Wheel, Backdapping Valve	\$56,713.44	\$113,426.88	\$2,717.06	
2	John Deere 2500B Gas Triplex Greens Mower 1207TC	21 Gross HP Liquid Cooled Kawasaki Gasoline Engine, Hydrostatic Drive, Offset Reel Design, Command Arm Operator Controls, Micro-Lap Backdapping Valve, Power Steering, Adjustable Tilt Wheel	\$32,139.21	\$64,278.42	\$1,458.12	
1	John Deere 2653B 3WD Utility Mower 1225TC	Yanmar 19.9 Hp Liquid Cooled Three Cylinder Diesel Engine, Hydrostatic Drive, Micro-Lap Backdapping Valve, Oil Cooler, Power Steering, 72" width of cut	\$27,926.96	\$27,926.96	\$633.51	
	001A - US					
	0443 - English					
	1190 - 2WD Unit					
	1209 - Q47 Ten Blade Cutting Unit					
	1305 - 3 in. Grooved Front Roller					
	1403 - Cutting Unit Brush Only Counter Weights					
	9746 - Rear Roller Power Brushes					
	9749 - Rear Roller Power Brush Drive					
	CTFCR - Cool Top Canopy and Fan					
2	John Deere 2500B Gas Triplex Greens Mower 1207TC	21 Gross HP Liquid Cooled Kawasaki Gasoline Engine, Hydrostatic Drive, Offset Reel Design, Command Arm Operator Controls, Micro-Lap Backdapping Valve, Power Steering, Adjustable Tilt Wheel	\$32,139.21	\$64,278.42	\$1,458.12	
	001A - US					
	1024 - Smooth Tires and Wheels					
	1203 - Q45 Eleven Blade Cutting Units					
	1300 - 2 in. Grooved Front Rollers					
	1490 - Counter Weight Kit					
	1602 - 2 in. Smooth Rear Rollers					
	2009 - Standard Seat					
	3202 - Attaching Yoke Kit with Bull Horn Basket design					
	9750 - Rear Roller Power Brush Drive					
	9791 - Rear Roller Power Brushes					
	9743 - Groover Gear Drive					
	9801 - DT Grooming Brush					
	BM19746 - Front Light Kit					
1	John Deere 2653B 3WD Utility Mower 1225TC	Yanmar 19.9 Hp Liquid Cooled Three Cylinder Diesel Engine, Hydrostatic Drive, Micro-Lap Backdapping Valve, Oil Cooler, Power Steering, 72" width of cut	\$27,926.96	\$27,926.96	\$633.51	
	001A - US					
	1145 - Turf Tires					
	1206 - Q47 26 in. Cutting Units					
	1316 - 3 in. Grooved Front Rollers					
	1402 - Cutting Unit Counter Weight					
	2009 - Standard Seat					

<u>Qty.</u>	<u>Make/Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Extended Unit Price</u>	<u>36 Month True Lease Payment</u>
4	John Deere Gator TX Utility Vehicle 560MM	15.5 HP Kawasaki Air-Cooled Gasoline Engine, Key Start, Full Pressure Lubrication System, Two Rear Drive Wheels, Continuously Variable Transmission, 1000 Lbs. Total Payload, 1000 Lbs. Towing Capacity, Tilting Cargo Box , Halogen Headlights, High Back Seat	\$7,168.99	\$28,675.96	\$650.50
	001A - US				
	1015 - Cayman Turf Tires				
	2017 - Adjustable Seat				
	3001 - Deluxe Cargo Box				
	3100 - Less Power Lift Option				
	4099 - Less Front Protection Plan				
	4199 - Less Rear Protection Plan				
	BM23989 - Rear Drawbar Hitch Kit				
1	Buffalo Turbine Blower KB-4	Kohler Command Pro 27 Engine, Electric Start, Wireless Remote, Pull Behind, 360 degree nozzle,	\$7,300.00	\$7,300.00	\$165.60

Total Equipment Cost (Less Taxes):
Total Lease Payments (Less Taxes):

\$241,608.22

\$5,624.79

Signature of Buyer: _____ Date: _____

Note 1: This quotation valid through October 15, 2018.

Note 2: Prices do not include applicable taxes.

Note 3: To Initiate Equipment Purchase - Indicate equipment desired, sign and date quote and fax to 251-452-2309.

Above is our quotation for the equipment named, subject to the following conditions: The prices and terms on this quotation are not subject to verbal changes or other agreements unless approved in writing by the Home Office of the Seller. All quotations and agreements are contingent on availability of product from manufacturer. Prices are based on costs and conditions existing on date of quotation and are subject to change without notice. Typographical errors are subject to correction. Conditions not specifically stated herein shall be governed by established trade customs.

Contract No	Equip Desc	Model	Serial	Payment	Comm Date	Term Date
030136426000	(2) Precision Cut Fairway Mowers	7700A	1TC770AVLFS020176	2,035.76	11/1/2015	11/1/2018
030136426001	(2) Gas Riding Greens Mowers	2500B	1TC250BGTFT095055	1,078.65	11/1/2015	11/1/2018
030136426002	Gas Riding Greens Mower	2500B	1TC250BGEFT095067	510.03	11/1/2015	11/1/2018
030136426003	Reel Set	Verticut		141.07	11/1/2015	11/1/2018
030136426004	Trim and Surrounds Mower	7400	1TC740AVCFN020116	655.62	11/1/2015	11/1/2018
030136426005	(3) Gator	TX	1M04X2XDVGM110265	489.95	11/1/2015	11/1/2018
030136426006	Speed Roller	Tru Turf RS48-11	R14458	264.55	11/1/2015	11/1/2018

For Comparison Contract to expire Oct 31 2018 \$ 5175.63

FY 2018 MONTHLY

RESOLUTION NO. _____

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

[1] That the City of Fairhope has voted to repair the Backup 3-Phase 1000KVA Transformer for the Electric Department; and authorizes procurement without formal bid based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7). The cost will be \$11,418.34.

Adopted on this 8th day of October, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

City of Fairhope

Project Funding Request

Issuing Date: 9/28/2018Please return this Routing Sheet to Treasurer by: OCT 2 '18 09:32 **ASAP!**Project Name: Repair of Backup 3-Phase 1000KVA Transformer for Electric DeptProject Location: Electric DeptPresented to City Council: 10/8/2018

Resolution # :

Approved _____

Funding Request Sponsor: Jeremy Morgan, Electric Dept
Richard Peterson, Director of Operations

Changed _____

Rejected _____

Project Cash Requirement Requested:

Cost: \$11,418.34Vendor: Emerald TransformerProject Engineer: n/aOrder Date: n/aLead Time: n/a

Department Funding This Project

General	Gas	Electric XXX	Water	Sewer	Gas Tax	Cap Proj	Impact
<u>Department of General Fund Providing the Funding</u>							
Admin-10	Police-15 Golf-50	Fire-20 Golf Grounds-55	Rec-25	Adult Rec-30 Debt Service-85	Marina-34	Street-35	Sanitation-40

Project will be:

Expensed XXX
Capitalized _____
Inventoried _____

Funding Source:

Operating Expenses XXX
Budgeted Capital _____
Unfunded _____Expense Code: 003-50440
G/L Acct Name: Maintenance-Vehicles & Equipment

Grant: _____

Federal - not to exceed amount
State _____Project Budgeted: \$11,418.34

City _____

Over (Under) budget amount: \$0.00

Bond: _____

Title _____ Year _____

Loan: _____

Title _____ Year _____

Comments:

Incorporated into FY 2019 operating budget

Capital Lease: _____

Payment _____ Term _____

City Council Prior Approval/Date? No

City Treasurer

Finance Director

Mayor

Purchasing Memo Date: 9/28/18Delivered To Date: 10/1/18Delivered To Date: 10/1/18Request Approved Date: 9/28/18Approved Date: 10/1/18Approved Date: 9/1/18Signatures: Michael V. Hinson
Michael V. Hinson CPAJill Cabriss
Jill Cabriss, MBAKarin Wilson
Mayor Karin Wilson



MEMO

Karin Wilson
Mayor

To: Michael Hinson Treasurer
From: Delores A Brandt
Delores A Brandt, Purchasing Clerk

Council Members
Kevin G. Boone
Robert A. Brown
Jack Burrell, ACOMO
Jimmy Conyers
Jay Robinson

Lisa A. Hanks, MMC
City Clerk

Michael V. Hinson, CPA
City Treasurer

Date: September 28, 2018
Re: **Greensheet and Council approval of funds for the repair of the backup 3-phase 1000KVA transformer for the Electric Dept.**

The Fairhope Electric Department has requested approval to have the backup 3-Phase 1000KVA transformer repaired by Emerald Transformer of Dufuniak Springs, FL. at a total cost **ELEVEN THOUSAND FOUR HUNDRED EIGHTEEN DOLLARS AND THIRTY-FOUR CENTS (\$11,418.34)** (see attached quotations). City Council requires an approved greensheet to be attached to the requisition for this repair.

These units are exempt from formal bidding per Code of Alabama 1975, Section 41-16-51(b)(7), which states:

The purchase of equipment, supplies, or materials needed, used, and consumed in the normal and routine operation of any waterworks system, sanitary sewer system, gas system, or electric system, or any two or more thereof, that are owned by municipalities, counties, or public corporations, boards, or authorities that are agencies, departments, or instrumentalities of municipalities or counties and no part of the operating expenses of which system or systems have, during the then current fiscal year, been paid from revenues derived from taxes or from appropriations of the state, a county, or a municipality.

Please compose and have approved a greensheet for this request for the repair of the backup 3-phase 1000KVA transformer for the Electric Department, at a cost of \$11,418.34.

161 North Section Street
PO Drawer 429
Fairhope, Alabama 36533

251-928-2136

251-928-6776 Fax
www.fairhopeal.gov

RESOLUTION NO. _____

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 Dockwa, Inc. for utilization of Dockwa Marina Reservation Management Software – Dockwa Basic Public Listing on the Dockwa Network (mobile apps and Dockwa.com for Fairhope Docks.

DULY ADOPTED THIS 8TH DAY OF OCTOBER, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk



Dockwa, Inc.
1035 Cambridge St
Suite 30
Cambridge MA, 02141

October 2, 2018

RE: Getting started with Dockwa

Dear Lynn,

I'm writing to inform you that Dockwa does not currently have any employees that reside in or are employed in the state of Alabama.

We hope to have the opportunity to work together in 2019.

Thank you.

Best,

Matt Fradette
Co-Founder & CRO



1035 Cambridge Street, Suite 30
Cambridge, MA 02141
(401) 236-8304

Dear Marina Partner -

Thank you for taking a moment to complete the Dockwa Account Enrollment form. At Dockwa, we take client data security and confidentiality extremely seriously. Dockwa serves as a payment processor for hundreds of Marinas and tens of thousands of boaters. Safeguarding customer data, marina data and payment information is of utmost importance to our business. As an intermediary between boaters and marinas, it is critical that we ensure the security of both our customer's payments and our marina partner's financial accounts.

We adhere to the [PCI DSS](#) and [NACHA ACH 2010](#) to help ensure the security of transactions between boaters and marinas. While we collect information from boaters at the time of each transaction, these guidelines require that we verify each marina we work with using their Federal Tax ID. Additionally, we are required to verify the identity of the authorized signer on the account.

The authorized signer has no personal liability for the established account. The account belongs to the corporate entity, and this entity is responsible for all transactions and payments as outlined in the [Dockwa Terms of Service](#). Nevertheless, we need to verify that the signer is indeed a legal person. We do this by checking the last four digits of a Social Security number, against a legal name and a date of birth. Without this check, there is no way to electronically verify that the authorized signer is a legal individual.

Much like our customer and transactional data, all data used for identity verification is secured using 256-bit Advanced Encryption Standards. We fully recognize the value of your personal security and the privacy of your data. The enrollment form form is our way of diligently carrying through these responsibilities. We appreciate your support and doing your part to preserve our mutual data security and confidentiality.

As always, if you have any further concerns regarding security, confidentiality or anything related to Dockwa, please do not hesitate to reach out. We're looking forward to working together.

Sincerely,

The Dockwa Team



Your Dockwa Order

Customer Fairhope Docks Marina
Contact 251-929-0365
Phone drew.craze@fairhopeal.gov
Email 848 Sea Cliff Drive, Fairhope, AL 36532
Address:

Your initial terms:

Initial Subscription Term: No subscription term.

The marina has the right to cancel their use of Dockwa's services at any time through written communication.

Services Provided

Utilization of Dockwa Marina Reservation Management Software - Dockwa Basic
Public Listing on the Dockwa Network (mobile apps and dockwa.com)

Your initial fees:

Recurring Fees	None
Processing Fee	3.5% Per Transaction

SOFTWARE SERVICES AGREEMENT

This Software Services Agreement ("Agreement") is entered into on this 28th day of March, 2018 (the "Effective Date") between Dockwa, Inc with a place of business at 1 Commercial Wharf, Unit 1A, Newport RI, 02840 ("Company"), and the Customer listed above ("Customer"). This Agreement includes and incorporates all Terms of Service on the Dockwa website, and among other things includes warranty disclaimers, liability limitations and use limitations. Additional ("Contract") details for marina Customers are viewable in the Terms and Services section of the Dockwa website found here: <http://ahoy.dockwa.com/about-us/terms-of-service>

Dockwa, Inc

By: Matt Fradette

Name: Matt Fradette


Title: Chief Revenue Officer

Fairhope Docks Marina

Signature: _____

Name: Karin Wilson

Title: Mayor



Dockwa - Sole Source Justification

Fairhope Docks Marina

April 2018



DOCKWA



600+ Marinas Utilize Dockwa



MARINA JACK



SOLE SOURCE

What is Dockwa?

- Dockwa is a reservation management software that will streamline the reservation process for Fairhope Docks Marina and their customers. The software allows boaters visiting your marinas to submit reservation requests via Dockwa's website, iPhone or Android mobile apps, and the marina's own website. It also allows your staff to manually enter phone-call reservation into the system. Dockwa is a Newport, RI based company, founded in 2014, currently working with over 600 of the nation's top marinas.

Sole Source Justification:

- Dockwa is the only marina management software in the industry that directly connects marinas to an active network of boaters. While there are other channels for boaters to make reservations (ie websites), Dockwa is the only solution for boaters that provides a booking engine through web & mobile, and the only solution for marinas that connects them in real-time to this network – providing a full cloud-based reservation management system and Customer Record Management system.
- Additionally, Dockwa is the only system that allows marina staff to store customer information, communicate directly with customers, and collect payment in one centralized software. All while giving marinas exposure to a growing network of boaters who are using the Dockwa service to make marina reservations (currently 250,000 boaters and growing).

ACCOUNTING BENEFITS

Real time reports to make balancing the books a breeze

- Clean accurate data, available in the cloud for you to access from anywhere.
- View realized earnings in one simple report, in real time.
- Breakdown daily, monthly, or yearly transactions, refunds, taxes & fees, and income.



- With one click of a button from your dock staff, reservations can be charged and your payment reports will be updated.
- All payments processed or refunded through Dockwa will be kept on file, in real time. Everything your team will need to reconcile the books at day, week, or month end.
- Customer refund management and accounting has never been easier.

SAFETY & SECURITY

- Dockwa is a web based software (software as a service) that requires no installation on the marinas' end. The Dockwa software can be accessed through any internet browser by any marina or town employee that is set up with a secure user name and password.
- Dockwa employs a number of security features and protocols to protect our users. We use strong encryption, access logging, and active monitoring of all aspects of our system's integrity. We use industry-leading service providers to host our software and data, at secure locations with redundant failover capabilities.
- We utilize strong SSL to secure all client/server communication as well as encrypted-at-rest database technologies to protect data end-to-end. Special attention is given to the storage and handling of our customers' most sensitive data, such as credit card numbers. Credit card numbers, and other sensitive materials, are securely stored directly with our financial institutions in such a way that even Dockwa employees cannot access the unencrypted data. Finally, our servers are protected with an active Web Application Firewall as well as active Denial of Service filtering.



Contact Us:
mathew.minty@dockwa.com

(401)-742-3275



RESOLUTION NO. ____

WHEREAS, The Governing Body of the City of Fairhope adopted on May 29, 2012 Ordinance No. 1471: an ordinance to exempt certain “covered items” from the Municipal Sales and Use Tax for the Severe Weather Preparedness Tax Holiday for that year only; and

WHEREAS, the Alabama Revenue Department is desirous for all Cities and Towns to approve each year whether to have the holiday; and

WHEREAS, the City of Fairhope elects to keep this ordinance in place and will not be participating in this Sales Tax Holiday.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, the City of Fairhope elects to keep Ordinance No. 1471 in place and will not be participating in this Sales Tax Holiday.

Adopted on this 8th day of October, 2018

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

ORDINANCE NO. 1471

AN ORDINANCE OF THE CITY OF FAIRHOPE, ALABAMA, TO EXEMPT CERTAIN "COVERED ITEMS" FROM THE MUNICIPAL SALES AND USE TAX FROM JULY 6, 2012 THROUGH JULY 8, 2012, AS AUTHORIZED BY ACT 2012-256, GENERALLY REFERRED TO AS THE 2012 SEVERE WEATHER PREPAREDNESS TAX HOLIDAY.

BE IT ORDAINED BY THE CITY COUNCIL OF FAIRHOPE, ALABAMA, AS FOLLOWS:

Section 1. In conformity with the provisions Act 2012-256 enacted by the Alabama Legislature during the 2012 Regular Session, providing for a 2012 Severe Weather Preparedness Tax Holiday, the City of Fairhope, Alabama, exempts "covered items" from municipal sales and use tax during the same period, beginning at 12:01 a.m. on Friday, July 6, 2012 and ending at twelve midnight the following Sunday July 8, 2012.

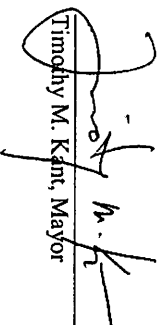
Section 2. This ordinance shall be subject to all terms, conditions, definitions, time periods, and rules as provided by Act 2012-256, except that the time period shall only be as specified in Section 1 above and not for all years thereafter.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Fairhope, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.


Section 4. This ordinance shall become effective on July 6, 2012.

ADOPTED AND APPROVED THIS 29TH DAY OF MAY, 2012.

ATTEST:



Timothy M. Kant, Mayor



Lisa A. Hanks, MMC
City Clerk

Severe Weather Preparedness – February 22 – 24, 2019

Severe Weather Preparedness Sales Tax Holiday beginning at 12:01 a.m. on Friday of the last full weekend in February and ending at twelve midnight on the following Sunday, pursuant to 40-23-230 through 233, Code of Alabama, 1975.

RESOLUTION NO. _____

WHEREAS, the City Council has not adopted the proposed Budget for the FY 2018-2019; and

WHEREAS, the City of Fairhope is desirous to hold City Events and City Sponsored Events throughout the year which require advanced planning; and reserving locations and dates; and

WHEREAS, the City Council is also desirous to adopt and approve the proposed section of the Community Development Budget for 2018-2019 which only applies to City Events and City Sponsored Events.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope hereby adopts and approves the section of the Community Development Budget for the FY 2018-2019 which only applies to City Events and City Sponsored Events.

ADOPTED THIS 8TH DAY OF OCTOBER, 2018

Karin Wilson, Mayor

ATTEST:

Lisa A. Hanks, MMC
City Clerk



CITY OF FAIRHOPE
 P.O. DRAWER 429
 FAIRHOPE, AL 36533
 251/928-2136

ALCOHOLIC BEVERAGE LICENSE APPLICATION

PLEASE PRINT

We hereby apply for a license to sell Alcoholic Beverages in the City of Fairhope or its Police Jurisdiction. We agree to abide by all applicable Ordinances of the City, or any amendments to same, and to promptly furnish all reports required by the City.

APPLICANT'S NAME CAVULI, LLC *ELIZABETH HUMMICK* SSN# _____

AGE _____ DATE OF BIRTH _____ PLACE OF BIRTH METHUEN, MA

MAILING ADDRESS 254 N. BAYVIEW ST, FAIRHOPE, AL 36532

HOME # _____ WORK # _____

CELL # _____ FAX # _____

RESIDENCE ADDRESS 254 N. BAYVIEW ST, FAIRHOPE, AL 36532

NO. YEARS AT PRESENT ADDRESS 11 NO. YEARS AT PREVIOUS ADDRESS 2

PREVIOUS ADDRESS 9538 AUTUMN BEND, DAPHNE, AL 36526

NAME AND ADDRESS OF BUSINESS THE MILL

85 N. BANCROFT ST, FAIRHOPE, AL 36532 (SUITE A)

NAME OF CORPORATION CAVULI, LLC DBA THE MILL

BUSINESS LOCATION 85 N. BANCROFT ST, FAIRHOPE

HAS APPLICANT EVER HAD AN ALCOHOLIC BEVERAGE LICENSE BEFORE NO

IF SO, WHERE _____ UNDER WHAT NAME _____

HAS APPLICANT EVER BEEN ARRESTED NO IF SO, WHERE _____

WHEN _____ WHAT WAS CHARGE _____

DISPOSITION _____

LIST THREE REFERENCES:


NAME	ADDRESS	PHONE NUMBER
AOELE HAPWORTH	5 BANCROFT, FAIRHOPE	
JIM DOWDEN	411 VILLAGE DR, DAPHNE	
CANDY CLARK	997 WITMER ST, FAIRHOPE	

City of Fairhope
Alcoholic Beverage
License Application
Page -2-

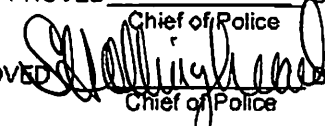
PLEASE SELECT TYPE OF LICENSE APPLYING FOR:

- 011 - PACKAGE STORE LICENSE – Allows sale of liquor, wine, or beer at Retail, TO GO only. No one under age 21 allowed on premises. A liquor tax of 10% City Limits or 5% Police Jurisdiction is due the 10th of each month on the purchase price paid for all liquor for use or resale by the licensee.
- 010- LOUNGE LIQUOR LICENSE – Allows sale of liquor, wine, or beer for on and off consumption. No one under age 21 allowed on the premises. A liquor tax of 10% City Limits or 5% Police Jurisdiction is due the 10th of each month on the purchase price paid for all liquor for use or resale by the licensee.
- 031- CLUB LIQUOR LICENSE – Allows sale of liquor, wine, or beer but must meet ABC Board's "club" regulations. A liquor tax of 10% City Limits or 5% Police Jurisdiction is due the 10th of each month on the purchase price paid for all liquor for use or resale by the licensee.
- 020 - RESTAURANT LIQUOR LICENSE – Allows sale of liquor, wine, or beer for on-premises consumption only and 51% of gross receipts must come from the sale of food. A liquor tax of 10% City Limits or 5% Police Jurisdiction is due the 10th of each month on the purchase price paid for all liquor for use or resale by the licensee.
- 140 - SPECIAL EVENTS LICENSE
- 160 - SPECIAL RETAIL LICENSE – More than 30 days
- 040 - BEER ON/OFF PREMISES LICENSE – Allows sale of Beer Only, on and off consumption.
- 050 - BEER OFF-PREMISES LICENSE – Allows sale of Beer Only, TO GO only.
- 060 - WINE ON/OFF PREMISES LICENSE – Allows sale of Wine Only, on and off consumption.
- 070 - WINE OFF-PREMISES LICENSE – Allows sale of Wine Only, TO GO, only.
- 100 - WINE WHOLESALER LICENSE
- 210 - WINE IMPORTER LICENSE
- 200 - WINE MANUFACTURER LICENSE
- 240 - NON-PROFIT TAX EXEMPT LICENSE

I STATE ALL THE ABOVE TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

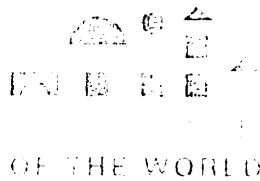

SIGNATURE (FULL NAME)

9.27.18
DATE

NOT APPROVED _____ DATE _____
APPROVED  DATE 10/1/18
Chief of Police

NOT APPROVED BY COUNCIL _____ DATE _____
APPROVED BY COUNCIL _____ DATE _____
City Clerk

** The Chief of Police is only acquiring a background check on the owners, partners, or corporate officers of the business for the City of Fairhope. The Alabama Alcoholic Beverage Control Board does a thorough Federal and State background check before issuing the License.



September 28, 2018

City of Fairhope
c/o City Council
555 S Section Street
Fairhope, AL 36532

Re: Children of the World, Festival of Lights

Dear Fairhope City Council Members,

As an agency, Children of the World has been committed to providing occasions for our community to engage with us and learn about our mission – and at the same time, offer families the opportunity to experience other cultures and build lasting memories.

This summer we began making inquiries and plans for a special “festival” in the Fall. *The Indian Festival of Lights* is to be held on Saturday, November 3rd, 2018 from 5-7pm. Our initial plans involved hosting the festival in the South Park area of the municipal pier, and culminating with a flying lantern release over the water. We were diligent in researching lantern options with environment and wildlife safety in mind. We contacted city park officials, and consulted with police, fire, & coast guard for approval/safety advice. After making the event public, we were alerted by a city official that our plans for releasing lanterns did in-fact violate an enforced ordinance, and had also drawn criticism from an environmental advocacy group/person.

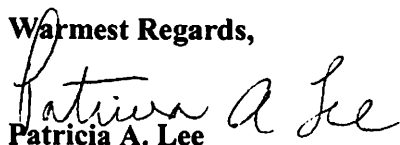
Knowing that we do not wish to violate laws in ANY way – nor do we want to negatively impact our community, we decided that despite our best intentions, the plan would need to change.

We would like the city’s permission to hold our *Indian Festival of Lights* on November 3rd, from 5-7pm in the Fairhoper’s Community Park. We feel like holding the event at the park would add an entertainment option to the festival (since we are removing the flying lanterns). In addition, the enclosed area makes this location more suitable for families.

If allowed to host our event at the park, we would offer the following activities: party games, Bollywood style music, henna art, and light refreshments. We have contracted with a local event lighting company, Southern Sounds, to add festive LED lighting to the event space. This will ensure there is plenty of light as the sun sets, and add to the festival experience.

We are eager to continue our positive relationship with the City of Fairhope and are open to exploring any additional safety/environmental concerns there may be. Thank you for your consideration.

Warmest Regards,


Patricia A. Lee

Founder & International Program Director



Teresa K. Boone
Executive Director