

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;

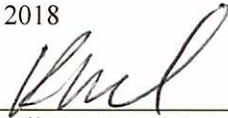
WHEREAS, it is a requirement that City governments utilizing RESTORE Act funds comply with procurement methods allowable under 2 CFR 200.317-326 of the Code of Federal Regulations for the selection and award of contractors and;

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**

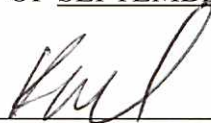
WHEREAS, the City of Fairhope has applied to the Alabama Gulf Coast Recovery Council (AGCRC) for grant funding made available by the RESTORE Act of 2012 (Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act) and;

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.

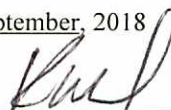
RESOLUTION NO. 3180-18

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;

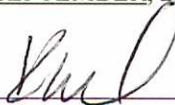
ESRT provides free tickets to the non-profit girl's home, Under His Wings;

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