

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, 28 January 2019.

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 Deacon George Yeend of St. Lawrence Catholic Church and the Pledge of Allegiance was recited. Council President Burrell said that Agenda Item No. 12 was being pulled at the request of staff.

Councilmember Robinson moved to approve minutes of the 14 January 2019, regular meeting; minutes of the 14 January 2019, work session; and minutes of the 14 January 2019, agenda meeting. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Mayor Wilson addressed the City Council regarding the following items:

- 1) Mentioned a phenomenal turnout for the State of the City and thanked the Department Heads for all their work and thanked the Cooking Team. She said challenges have already been made for next year;
- 2) Library will be closed for two weeks for repairs;
- 3) Valentine's Day event with the Nix Center and Thomas Hospital;
- 4) Rock Creek Stabilization;
- 5) Leak Survey being conducted throughout the City next three months;
- 6) Agenda Item No. 18 would like to speak on.

The following individual spoke during Public Participation on Agenda Items:

- 1) Ron Allen, 6612 Willowbridge Drive, addressed the City Council and requested details on Agenda items No. 11 and No. 13.

Councilmember Robinson thanked everyone for coming out for the State of the City Expo; said it was great to see face to face staff interaction. Councilmember Robinson said he brought his family out for the event.

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Councilmember Conyers commented the Library will reopen on February 16, 2019 for the Chocolate and Champagne Gala. He mentioned the Eastern Shore Repertory went to Atlanta; the younger kids won Best Ensemble and the older kids won Best Theatre Performance. Councilmember Conyers reminded everyone of the upcoming performance “Matilda” on the Bluff.

Councilmember Boone asked Operations Director Richard Peterson to discuss two issues. Mr. Person addressed the City Council regarding the meeting with Fairhope Environmental Advisory Board meeting and discussion of sewer overflows. He said they were testing another system for communication for overflows; and would cost approximately \$36,000.00 for 10 lift stations. Mr. Peterson said the County is replacing culverts on County Road 1 and we need to relocate our force main with an approximate cost of \$18,000.00.

Assistant Water and Sewer Superintendent Jay Whitman addressed the City Council and said this force main and lines are very complicated to move. He said the “Mission” system for SCADA is a better system. Councilmember Boone questioned the new and improved SCADA system.

Councilmember Robinson moved to table until further notice Agenda Item No. 5 at the request of the owner: An Ordinance to Annex the property of A.I.C., Jr. Land A.I. Corte, III Family Limited Partnership, to be known as North Hills at Fairhope, generally located on the north side of State Highway 104 approximately 1/2 mile east of County Road 13, Fairhope, Alabama. 46-02-03-0-000-004.000 and 46-02-03-0-000-002.000 (Portion of); and to zone as R-1 Low Density Single-Family Residential District. (Introduced at the January 14, 2019 City Council Meeting) Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Councilmember Boone moved to table until further notice Agenda Item No. 6 at the request of the owner: An Ordinance to Amend Zoning Ordinance No. 1253 and to zone the property of A.I.C., Jr. Land A.I. Corte, III Family Limited Partnership to R-2 Medium Density Single Family Residential District concurrent with annexation into the City of Fairhope. This property is generally located on the north side of State Highway 104 approximately 1/2 mile east of County Road 13, Fairhope, Alabama. PPIN #98367. The property to be known as part of North Hills at Fairhope. (Introduced at the January 14, 2019 City Council Meeting) Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Council President Burrell announced that Agenda Item No. 7 was withdrawn from the agenda at the request of the owner.

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Councilmember Brown moved for final adoption of Ordinance No. 1633, an Ordinance to Amend Zoning Ordinance No. 1253 and to zone the property of The Bills' No. 2, LLC to R-2 Medium Density Single Family Residential District concurrent with annexation into the City of Fairhope. This property is generally located on the west side of Lawrence Road approximately 1/4 mile north of Gayfer Avenue, Fairhope, Alabama. PPIN #369809 and 369810. (Introduced at the January 14, 2019 City Council Meeting) Seconded by Councilmember Brown, motion for final adoption passed by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY – None.

Councilmember Robinson moved for final adoption of Ordinance No. 1634, an Ordinance to Amend Zoning Ordinance No. 1253 and to rezone the property of Eva M. Raley from R-1 Low Density Single Family Residential District to B-2 General Business District with the Planning Commission's recommendations. This property is generally located at 814 N. Greeno Road, Fairhope, Alabama. PPIN #43891. (Introduced at the January 14, 2019 City Council Meeting) Seconded by Councilmember Brown, motion for final adoption passed by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY – None.

Councilmember Robinson moved for final adoption of Ordinance No. 1635, An Ordinance amending Ordinance No. 1510 known as the Personnel Rules, Policies and Procedures Ordinance regarding Section IV. Wage and Salary Administration: 4.03 Employee Pay Rates; more specifically City Building Inspector Certifications. (Introduced at the January 14, 2019 City Council Meeting) Seconded by Councilmember Conyers, motion for final adoption passed by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY – None.

Councilmember Conyers introduced in writing Ordinance No. 1636, An Ordinance to declare that certain real property (451 Pecan Avenue property) of the City of Fairhope is not needed for public or municipal purposes in response to an offer to lease property from February 8, 2019 through March 6, 2019. City Clerk Lisa Hanks explained that if the City Council does not vote for immediate consideration then the property would not be leased since the next Council meeting is after the beginning date of lease. In order to take immediate action, Councilmember Boone moved for immediate consideration. Seconded by Councilmember Conyers, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY – None. Councilmember Conyers then moved for final adoption of Ordinance No. 1636. Seconded by Councilmember Conyers, motion for final adoption passed by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone.

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Council President Burrell briefly explained the need for the resolution. Councilmember Brown introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Wilson to appoint Special Prosecutors. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

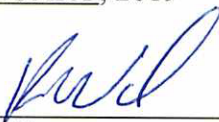
RESOLUTION NO. 3299-19

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Wilson is hereby authorized to appoint the following persons as special Prosecutors to be used when the City Attorney, Marcus E. McDowell, has a conflict with certain cases at a fee of \$100.00:

James H. Sweet
D. Parker Sweet
Warren Harbison
W. Lee Webb
William "Liam" Scully

BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Resolution No. 1103-05 is hereby repealed and replaced.

ADOPTED 28TH DAY OF JANUARY, 2019



Karin Wilson, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Karin Wilson is hereby authorized to execute a contract for Final Extension of Bid No. 010-17, Sludge Removal Services for the Waste Water Treatment Plant, with Green South Solutions, LLC for an additional one year, as per the terms and conditions of the original contract. The cost is \$85.00 per cubic yard for an annual estimated cost of \$505,000.00 based on FY2017. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

28 January 2019

RESOLUTION NO. 3300-19

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Karin Wilson is hereby authorized to execute a contract for Final Extension of Bid No. 010-17, Sludge Removal Services for the Waste Water Treatment Plant, with Green South Solutions, LLC for an additional one year, as per the terms and conditions of the original contract. The cost is \$85.00 per cubic yard for an annual estimated cost of \$505,000.00 based on FY2017.

Adopted on this 28th day of January, 2019



Karin Wilson, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

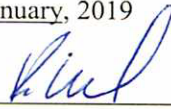
Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has voted to procure 45 Computers and 10 Monitors for the City to replace aging equipment; and the equipment is available for direct procurement through the National Intergovernmental Purchasing Alliance (“National IPA”) [Contract No. 2018011-2)]; and therefore, does not have to be let out for bid. This has been nationally bid through the National IPA’s bid process. The total cost is \$29,641.40. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

RESOLUTION NO. 3301-19

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 45 Computers and 10 Monitors for the City to replace aging equipment; and the equipment is available for direct procurement through the National Intergovernmental Purchasing Alliance (“National IPA”) [Contract No. 2018011-2)]; and therefore, does not have to be let out for bid. This has been nationally bid through the National IPA’s bid process. The total cost is \$29,641.40.

Adopted on this 28th day of January, 2019



Karin Wilson, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

28 January 2019

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase 13 Handheld Radios and 3 In-Car Mobile Radios for the Police Department, and the type of equipment needed is on the Alabama State Department of Purchasing bid list and therefore does not have to be let out for bid, with total cost of \$64,997.34. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 3302-19

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 13 Handheld Radios and 3 In-Car Mobile Radios for the Police Department and the type of vehicle needed is on the Alabama State Department of Purchasing bid list and therefore does not have to be let out for bid; and

[2] The following is the Alabama State Department of Purchasing contract information:

Contract Number: T3004020001

Cost is \$64,997.34

Adopted on this 28th day of January, 2019



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 that the City Council approves to fund the IT Technician position and to amend the budget for same. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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RESOLUTION NO. 3303-19

WHEREAS, the City Council adopted on November 26, 2018, a resolution approving and adopting the remaining sections of proposed Budget for the FY 2018-2019, Resolution No. 3254-18; and

WHEREAS, the IT Technician position was inadvertently omitted from the proposed Budget and needs to be funded in order to fill position.


BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council approves to fund the IT Technician position and to amend the budget for same.

ADOPTED THIS 28TH DAY OF JANUARY, 2019



 Karin Wilson, Mayor

ATTEST:



 Lisa A. Hanks, MMC
 City Clerk

Council President Burrell commented the budgeted item was for a Lease-Purchase; and the lease was with Wells Fargo. Mayor Wilson commented said the budgeted item we lease and lease purchase sometimes depending on the hours on the golf equipment. She said this is the same lease we do every three years; and we have equipment without a lease. Mayor Wilson commented Attorney McDowell and Council President Burrell have been working on this; and the City Attorney is just working with the Council and negotiated to keep equipment: 36 months with \$1.00 buy out option. She said this is not a good relationship with our vendors; and we need to have a sit down with City Attorney McDowell. She also commented they were interfering with day-to-day operations.

Council President Burrell gave his thoughts on the agenda item: not a lease-purchase and was a lease; and stated he was not interfering with day-to-day operations. City Attorney McDowell stated that Wells Fargo did not offer a lease-purchase; and an opinion letter was requested from Wells Fargo attorneys. He said this did not comply with Alabama laws; and on January 8th no purchase order had been issued for vehicles.

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City Attorney McDowell said he waited three weeks for the initial purchase order; and there were inconsistencies with bid, purchase order, resolution, etc. Councilmember Conyers commented all of this could have been cleaned up with one telephone; and commented a lease-purchase is not a lease. City Attorney McDowell asked what Council's intent for Resolution was. Mayor Wilson commented communication needs to happen.

After further discussion, Councilmember Brown introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council hereby amends Resolution No. 3189-18 and authorizes the Mayor to enter into a lease agreement for the Golf Course Mower and Utility Vehicles and to execute a contact with a third-party lessor Wells Fargo. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 3304-19

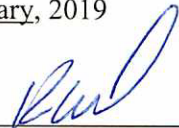
WHEREAS, on the 8th day of October, 2018, the City of Fairhope adopted Resolution No. 3189-18 to award a Three-Year Lease-Purchase of Golf Course Mower and Utility Vehicles for the Golf Department; and the equipment is available for direct procurement through the Sourcewell Purchasing Coop; and

WHEREAS, after consultation with the City Attorney, it was determined that an Amendment was needed due to the contract being with a third-party lessor "Wells Fargo"; and

WHEREAS, the City of Fairhope hereby amends Resolution No. 3189-18 and authorizes the Mayor to enter into a lease agreement for the equipment and to execute a contact with a third-party lessor Wells Fargo.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council hereby amends Resolution No. 3189-18 and authorizes the Mayor to enter into a lease agreement for the Golf Course Mower and Utility Vehicles and to execute a contact with a third-party lessor Wells Fargo.

Adopted on this 28th day of January, 2019



Karin Wilson, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk


28 January 2019

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council hereby authorizes the entire remaining balance of the City's General Fund debt be paid with funds contained in the General Fund Debt Pre-Payment Account; and, That the City Council hereby authorizes for one-time, beginning February 1, 2019 and ending September 30, 2019, that the Sales and Use Tax revenue, which is defined by City of Fairhope ordinance restricted to the General Fund Debt Pre-payment account, be diverted up to the amount of \$1,143,500 (One Million One Hundred Forty-Three Thousand Five Hundred Dollars) to the Capital Projects Fund for the FY 2018 – 2019 budget year; and that for the remainder of the FY 2018-2019 budget year, any amount collected after February 1, 2019, in excess of \$1,143,500 (One Million One Hundred Forty-Three Thousand Five Hundred Dollars) is to be diverted to the General Fund Operating Account. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

RESOLUTION NO. 3305-19

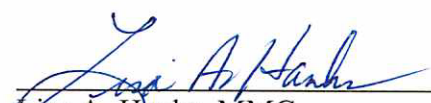
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council hereby authorizes the entire remaining balance of the City's General Fund debt be paid with funds contained in the General Fund Debt Pre-Payment Account; and, That the City Council hereby authorizes for one-time, beginning February 1, 2019 and ending September 30, 2019, that the Sales and Use Tax revenue, which is defined by City of Fairhope ordinance restricted to the General Fund Debt Pre-payment account, be diverted up to the amount of \$1,143,500 (One Million One Hundred Forty-Three Thousand Five Hundred Dollars) to the Capital Projects Fund for the FY 2018 – 2019 budget year; and that for the remainder of the FY 2018-2019 budget year, any amount collected after February 1, 2019, in excess of \$1,143,500 (One Million One Hundred Forty-Three Thousand Five Hundred Dollars) is to be diverted to the General Fund Operating Account.

ADOPTED THIS 28TH DAY OF JANUARY, 2019



 Karin Wilson, Mayor

ATTEST:



 Lisa A. Hanks, MMC
 City Clerk

28 January 2019

Planning Director Wayne Dyess addressed the City Council to explain the Site Plan Review of property owned by John Bethea, on behalf of John Bethea, LLC, for approval of a Modification to an approved Site Plan of Founders Square (Case No. SR 06.05) – Phase I and Phase II are complete. The modification is for Phase III which will consist of 5 lots with 4 of the lots having 1 building each with 1 residential unit, 1 commercial unit, and 2 parking places. The fifth lot was used for common area to access the other phases from Section Street – located on the west side of South Section Street approximately 400’ north of the intersection of Morphy Avenue and Section Street; and approved contingent upon conditions recommended by the Planning Commission.

Councilmember Conyers moved to approve the Site Plan property owned by John Bethea, on behalf of John Bethea, LLC listed above. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council authorizes Mayor Karin Wilson to execute a License Agreement between the City of Fairhope and Bethea, LLC to occupy and use the sidewalk on Section Street which adjoining and contiguous to the property of 76 Section Street, Fairhope, Alabama Lots 1 and 2. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 3306-19


BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, That the City Council authorizes Mayor Karin Wilson to execute a License Agreement between the City of Fairhope and Bethea, LLC to occupy and use the sidewalk on Section Street which adjoining and contiguous to the property of 76 Section Street, Fairhope, Alabama Lots 1 and 2. The property may be occupied and used solely for second-story balconies extending over the aforementioned sidewalks during the period beginning January 28, 2019. One of the Planning Commission’s recommendation was for the City to execute a Hold Harmless agreement which is found Section Six of said agreement.

Adopted on this 28th day of January, 2019



Karin Wilson, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

28 January 2019

Council President Burrell said the parade was scheduled for 1:00 p.m. and was moved to 3:00 p.m. for MMOR with lack of communication. He said at 1:00 p.m. people come for parade, go to lunch and shop, and then attend the KOER parade. Councilmember Boone moved to approve the parade route, street closures, barricades as necessary to provide safety of participants and parade watchers; and close the streets at 2:00 p.m. until for the Mystic Mutts of Revelry Pet Parade. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Councilmember Conyers moved to appoint Teresa Adcock and Harvey "Skip" Jones to the Fairhope Historic Preservation Committee for a three-year term which will expire January 2022. Seconded by Councilmember Robison, motion passed unanimously by voice vote.

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

- 2) Harry Palmer, 9626 Derby Lane, addressed the City Council regarding a business license for rental property (two parcels). He said both are in the name of their Roth IRA and number; and asked how it will affect our Roth IRA and Trust. Mr. Palmer said he had no problem paying the fee for two homes; and when asked the City could not answer our questions. He said they could not tell him how to complete the application. Mayor Wilson told Mr. Palmer to call her about the issue.

Council President Burrell stated there was a need to add on an agenda item after Agenda Item Number 24: a resolution that the City Council hereby authorizes expenditures up to \$20,000.00 for the relocation of a force main sewer line on County Road 1 related to a culvert replacement in that area.

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

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council hereby authorizes expenditures up to \$20,000.00 for the relocation of a force main sewer line on County Road 1 related to a culvert replacement in that area. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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28 January 2019

RESOLUTION NO. 3307-19

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council hereby authorizes expenditures up to \$20,000.00 for the relocation of a force main sewer line on County Road 1 related to a culvert replacement in that area.

Adopted on this 28th day of January, 2019



Karin Wilson, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

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

There being no further business to come before the City Council, the meeting was duly adjourned at 7:47 p.m.



Jack Burrell, Council President

Lisa A. Hanks, MMC
City Clerk