

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, 12 August 2019.

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

There being a quorum present, Council President Burrell called the meeting to order at 6:10 p.m. The invocation was given by Dr. Mary Jane Ledgerwood of St. James Episcopal Church and the Pledge of Allegiance was recited.

Council President Burrell stated there was a need to add on an agenda item after Agenda Item Number 20: a resolution that the City Council of Fairhope desires to improve the odor generated by the wastewater transmission system, and wishes to install an Odor Control Unit; a Wager Company, Model No. 2050-450 to reduce odors in and around the Twin Beech lift station area to unnoticeable levels; and approves the required funding for the Odor Control Unit at an amount estimated not to exceed \$10,450.00.

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

Councilmember Conyers moved to approve minutes of the 22 July 2019, regular meeting; minutes of the 22 July 2019, work session; and minutes of the 22 July 2019, agenda meeting. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

Mayor Wilson addressed the City Council and introduced Hunter Simmons as our new Planning and Zoning Manager. She mentioned the e-mail she sent shortly after Mobile Bay Keepers' press release; and reached out to Ms. Calloway one-on-one, but did not get a response for over a week. Information is not getting out there about our accomplishments with our infrastructure. Mayor Wilson announced November 25, 2019 being the 125th Anniversary for the City of Fairhope. Mayor Wilson addressed the City Council with the following Power Point Presentation found at the end of the minutes. She presented a 2020 Census Proclamation to Jean Hogue.

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The following individuals spoke during Public Participation for Agenda Items:

- 1) Casi Calloway, Mobile Bay Keepers, addressed the City Council regarding Agenda Items Number 8 and 19. Ms. Calloway said Mobile Bay Keepers began in 1997 to protect the Mobile Bay area. She said they have been investigating sewage spills in Fairhope, Baldwin County, and Mobile Council since 2000. Ms. Calloway said no one knew about the problem at Point Clear in Mobile Bay until she called it in. She said we are committed to Fairhope and clean water. Ms. Calloway said, “we applaud you for all of your accomplishments; and we work for clean water and we work for you”.

Mayor Wilson responded to Ms. Calloway that she did not respond to her e-mail until over a week. She said the news release was to mislead the reader and promote scare tactics.

Ms. Calloway told the Council that the key message of the news release was to encourage the public to report suspected sewer spills.

- 2) Emily Garner, Fairhope resident and member of Fairhope United Methodist Church, addressed the City Council regarding Agenda Item Number 5: An Ordinance to establish and adopt Policy and Procedure for “Sleeping in Vehicles, Out-of-Doors or in Nonresidential Zones” to protect the public health, safety, and welfare with the City of Fairhope Corporate Limits and its Police Jurisdiction. Ms. Garner said she was concerned at first until speaking with employees, police, Ecumenical Ministries, etc.; and commends the City Council and Police Department for what they do.

Councilmember Robinson stated schools will begin on Wednesday; and wished everyone a safe and happy school year.

Council President Burrell said he too was concerned with the health of Mobile Bay; and has been speaking with experts to find the cause of high bacteria using scientific methods. He said we are committed to taking this on issue with additional steps; and we need to look at all of this to find the cause. He said it is embarrassing that we have one of the dirtiest beaches in the nation.

Councilmember Boone moved for final adoption of Ordinance No. 1653, an ordinance to establish and adopt Policy and Procedure for “Sleeping in Vehicles, Out-of-Doors or in Nonresidential Zones” to protect the public health, safety, and welfare with the City of Fairhope Corporate Limits and its Police Jurisdiction. (Introduced at the July 22, 2019 City Council Meeting) The motion was seconded by Councilmember Robinson.

Councilmember Robinson said there was a small revision when introduced removing the camping restrictions in residential. He said this ordinance is for safety issues and not to target anyone. Councilmember Robinson said he was in favor of adopting; and our Police will use good judgement with enforcement.

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Councilmember Conyers said he had conversations with caring and concerned residents; and agreed with Councilmember Robinson. He said the Police will use good judgment; and citizens wanted to know how the Police would treat the homeless. Councilmember Conyers mentioned using other resources for the homeless; and said most have been offered help and refused it. He said this is a baseline to the Police to use.

Councilmember Boone said he feels it is time to have an ordinance that helps our Police.

Council President Burrell said he has confidence in Police to use judgment and discernment; and this is not aimed at homeless people. He said we have at times had homeless people relieve themselves in public places like the front of the Library; and this is a tool to deal with that. Another example is after Hurricane Michael, people came down with recreational vehicles parking at the Rose Garden and Pier area instead of at a RV Park; and this is a tool to deal with that. He commented a few weeks ago our Police Department responding to people sleeping in a vehicle; and found two with drug charges and one with an illegal firearm. Council President Burrell said he will support this tonight, but if he sees we are not using compassion with homeless; he would be the first to repeal the ordinance.

After further discussion, motion for final adoption passed by the following voice votes: AYE – Burrell, Robinson, Conyers, and Boone. NAY - None.

Councilmember Conyers introduced in writing an ordinance to to Repeal and Replace Ordinance No. 1357, Ordinance No. 1380, and Ordinance No. 1499; and to establish the City of Fairhope Museum Advisory Board and By-Laws of Fairhope Museum of History. Due to lack of a motion for immediate consideration, this ordinance will layover until the August 26, 2019 City Council meeting.

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council that the City Council hereby approves and authorizes Council President Jack Burrell to negotiate a one-year contract between the Baldwin County Board of Education and the City of Fairhope for the County to continue use of the Pelicans Nest which is now owned by the City of Fairhope, but being maintained and used by the County for classes; and execute the necessary documents related to contract. Seconded by Councilmember Boone, motion passed unanimously by voice vote. Council President Burrell invited Mayor Wilson to join him with the negotiations.

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RESOLUTION NO. 3478-19


BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby approves and authorizes Council President Jack Burrell to negotiate a one-year contract between the Baldwin County Board of Education and the City of Fairhope for the County to continue use of the Pelicans Nest which is now owned by the City of Fairhope, but being maintained and used by the County for classes; and execute the necessary documents related to contract.

Adopted on this 12th day of August, 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 Amendment No. 1 to the Contract for Professional Engineering Services to Upgrade Fairhope Electrical Substations and Distribution Circuitry for RFQ No. PS029-17 to cover Design Engineering work only for the addition of a new substation on Morphy Avenue (Construction Costs would increase by \$1.5 Million plus Site Preparation along with the requested design engineering) which would be more advantageous to the City, with Stewart Engineering, Inc., with a not-to-exceed cost of the amendment of \$100,000.00 which increases the total value of the engineering work to \$736,812.50. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

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12 August 2019


RESOLUTION NO. 3479-19

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Karin Wilson is hereby authorized to execute Amendment No. 1 to the Contract for Professional Engineering Services to Upgrade Fairhope Electrical Substations and Distribution Circuitry for RFQ No. PS029-17 to cover Design Engineering work only for the addition of a new substation on Morphy Avenue (Construction Costs would increase by \$1.5 Million plus Site Preparation along with the requested design engineering) which would be more advantageous to the City, with Stewart Engineering, Inc., with a not-to-exceed cost of the amendment of \$100,000.00 which increases the total value of the engineering work to \$736,812.50.

DULY ADOPTED THIS 12TH DAY OF AUGUST, 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 Mayor Karin Wilson is hereby authorized a contract for Extension No. 1 of RFQ No. PS028-18, Professional Advertising and Public Relations for the Community Development Department, with Hummingbird & South, for an additional one year, as per the terms and conditions of the original contract with a cost not to exceed of \$4,125.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

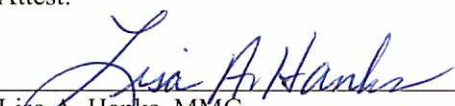
RESOLUTION NO. 3480-19

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Karin Wilson is hereby authorized a contract for Extension No. 1 of RFQ No. PS028-18, Professional Advertising and Public Relations for the Community Development Department, with Hummingbird & South, for an additional one year, as per the terms and conditions of the original contract with a cost not to exceed of \$4,125.00.

DULY ADOPTED THIS 12TH DAY OF AUGUST, 2019


 Karin Wilson, Mayor

Attest:



 Lisa A. Hanks, MMC
 City Clerk

12 August 2019

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Karin Wilson is hereby authorized a contract for Extension No. 1 of RFQ No. PS027-18, Professional Architectural & Urban Design for the Public Works Department, with Christian Preus Landscape Architecture, LLC, for an additional one year, as per the terms and conditions of the original contract with a cost not to exceed of \$27,900.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 3481-19

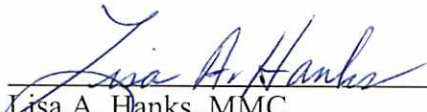
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Karin Wilson is hereby authorized a contract for Extension No. 1 of RFQ No. PS027-18, Professional Architectural & Urban Design for the Public Works Department, with Christian Preus Landscape Architecture, LLC, for an additional one year, as per the terms and conditions of the original contract with a cost not to exceed of \$27,900.00.

DULY ADOPTED THIS 12TH DAY OF AUGUST, 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 Mayor Karin Wilson is hereby authorized to execute a contract for Extension No. 1 of Bid No. 027-17, Fairhope Connect Newsletter Printing, with Postmark Ink for an additional one year, as per the terms and conditions of the original contract. The annual cost not to exceed of \$14,100.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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12 August 2019

RESOLUTION NO. 3482-19

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 Extension No. 1 of Bid No. 027-17, Fairhope Connect Newsletter Printing, with Postmark Ink for an additional one year, as per the terms and conditions of the original contract. The annual cost not to exceed of \$14,100.00.

Adopted on this 12th day of August, 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 Mayor Karin Wilson is hereby authorized to execute a contract for second (final) extension of Bid No. 026-17, the Installation of Seasonal Supplemental LED Lighting with Winterland, Inc. for an additional one year, as per the terms and conditions of the original contract with a total annual cost not to exceed \$147,800.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 3483-19

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 second (final) extension of Bid No. 026-17, the Installation of Seasonal Supplemental LED Lighting with Winterland, Inc. for an additional one year, as per the terms and conditions of the original contract with a total annual cost not to exceed \$147,800.00.

Adopted on this 12th day of August, 2019

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

12 August 2019

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has voted to procure the City's MUNIS Software Annual Maintenance and Licensing Fees for IT Department, from Tyler Technologies, 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 \$48,804.53. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 3484-19

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 the City's MUNIS Software Annual Maintenance and Licensing Fees for IT Department, from Tyler Technologies, 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 \$48,804.53.

Adopted on this 12th day of August, 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 of Fairhope has voted to procure QSCend QAlert Software, A Call-Center Solution for Better Customer Service for the Residents of Fairhope for IT Department, from QSCend Technologies, Inc. with a cost of \$10,600.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

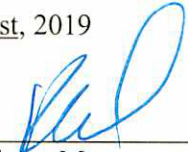
12 August 2019

RESOLUTION NO. 3485-19

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 QSCend QAlert Software, A Call-Center Solution for Better Customer Service for the Residents of Fairhope for IT Department, from QSCend Technologies, Inc. with a cost of \$10,600.00.

Adopted on this 12th day of August, 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 of Fairhope has voted to procure Two 7.5 Ton Rooftop Heat Pump Units for the Fairhope Museum of History from Mingledorf’s Incorporated (11,570.00) and Crane Rental (\$1,850.00). The total cost with a not to exceed of \$13,420.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 3486-19

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 Two 7.5 Ton Rooftop Heat Pump Units for the Fairhope Museum of History from Mingledorf’s Incorporated (11,570.00) and Crane Rental (\$1,850.00). The total cost with a not to exceed of \$13,420.00.

Adopted on this 12th day of August, 2019



Karin Wilson, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

12 August 2019

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has voted to procure the Removal of Trees, Stumps, and Debris for the Upgrade Electrical Substations & Distribution Nichols and Young Street with Mason Excavating, LLC. The cost will be \$14,000.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 3487-19

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 the Removal of Trees, Stumps, and Debris for the Upgrade Electrical Substations & Distribution Nichols and Young Street with Mason Excavating, LLC. The cost will be \$14,000.00.

Adopted on this 12th day of August, 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 of Fairhope has voted to procure the Repairs at Fire Station No. 2 on Thompson Hall Road due to backup of sewage in the fire station due to excessive rain on July 13, 2019. This is an unbudgeted item and has been filed with insurance. The total not-to-exceed cost will be \$8,040.00 from Seale Quality Construction & Renovations. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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12 August 2019

RESOLUTION NO. 3488-19

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 the Repairs at Fire Station No. 2 on Thompson Hall Road due to backup of sewage in the fire station due to excessive rain on July 13, 2019. This is an unbudgeted item and has been filed with insurance. The total not-to-exceed cost will be \$8,040.00 from Seale Quality Construction & Renovations.

Adopted on this 12th day of August, 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 the City of Fairhope has voted to procure Two Line Stops and Valves in the Spanish Fort area for this Public Works Project from RAW Construction, LLC with a total not-to-exceed cost of \$30,500.00. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

RESOLUTION NO. 3489-19

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

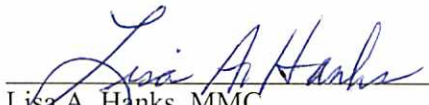
[1] That the City of Fairhope has voted to procure Two Line Stops and Valves in the Spanish Fort area for this Public Works Project from RAW Construction, LLC with a total not-to-exceed cost of \$30,500.00.

Adopted on this 12th day of August, 2019



 Karin Wilson, Mayor

Attest:



 Lisa A. Hanks, MMC
 City Clerk

12 August 2019

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 One FLYGT Model NP3153.185-464 20HP Pump at Sedgefield Lift Station for the Sewer Department from Jim House and Associates, Inc. with a total not-to-exceed cost of \$15,932.00; and authorizes procurement without formal bid based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7). Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 3490-19

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 One FLYGT Model NP3153.185-464 20HP Pump at Sedgefield Lift Station for the Sewer Department from Jim House and Associates, Inc. with a total not-to-exceed cost of \$15,932.00; and authorizes procurement without formal bid based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7).

Adopted on this 12th day of August, 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 the City of Fairhope has voted to approve the Remodeling of Offices for the Public Works Staff in the Maintenance Barn at City Services and Utilities Site as a Force Account Public Works Project (PW009-19) with a total not-to-exceed cost of \$60,000.00. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

12 August 2019

RESOLUTION NO. 3491-19

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

[1] That the City of Fairhope has voted to approve the Remodeling of Offices for the Public Works Staff in the Maintenance Barn at City Services and Utilities Site as a Force Account Public Works Project (PW009-19) with a total not-to-exceed cost of \$60,000.00.

Adopted on this 12th day of August, 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 Council of Fairhope desires to improve the odor generated by the wastewater transmission system, and wishes to install an Odor Control Unit; a Wager Company, Model No. 2050-450 to reduce odors in and around the Twin Beech lift station area to unnoticeable levels; and approves the required funding for the Odor Control Unit at an amount estimated not to exceed \$10,450.00. Seconded by Councilmember conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 3492-19

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council of Fairhope desires to improve the odor generated by the wastewater transmission system; and wishes to install an Odor Control Unit; a Wager Company, Model No. 2050-450 to reduce odors in and around the Twin Beech lift station area to unnoticeable levels.

This installation will be used to measure the effectiveness of this type odor control system for possible use on a more system wide scale and applications as necessary.

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Furthermore, the City Council approves the required funding for the Odor Control Unit at an amount estimated not to exceed \$10,450.00.

Adopted on this 12th day of August, 2019

Karin Wilson, Mayor

Attest:

Lisa A. Hanks, MMC
City Clerk

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

- 1) Helen Hall, Henshaw Road, addressed the City Council regarding the sewage overflow into Titi Swamp. She said we wake up and go to sleep with that stench; and the City needs to take control and help. Ms. Hall said smelling that stuff will lead to health issues.

Operations Director Richard Johnson told Ms. Hall that the Council voted tonight to purchase an odor control unit; and this should help while the lift station upgrades are being performed and completed.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 7:18 p.m.

Jack Burrell, Council President

Lisa A. Hanks, MMC
City Clerk