

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 Wednesday, 9 October 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 Pastor Rick Malugani of Fairhope Christian 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 16: a resolution That the date for the 2019 Annual Magical Christmas Parade shall be set on Friday night December 6, 2019. The Annual Parade shall start at approximately 7:00 p.m. on said date and notice of said date change shall be communicated to all prospective and actual applicants. Additionally, Fairhope's monthly traditional First Friday Art Walk shall be moved once to Saturday, December 7, 2019.

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

Councilmember Conyers moved to approve minutes of the 11 September 2019 special budget work session, minute of the 23 September 2019, regular meeting; minutes of the 23 September 2019, work session; minutes of the 23 September 2019, agenda meeting; and minutes of the 30 September 2019 special budget work session. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

Mayor Wilson addressed the City Council regarding the budget; Mayor's Institute on Design; Leadership Baldwin County; and the new Junior City Council for this year. After the introduction of each new member and photo was taken with the Mayor with the City Council and City Clerk behind them.

Councilmember Robinson wished his oldest child a Happy Birthday.

Councilmember Conyers announced the Fairhope Middle School Girls' Cross Country team won the County Championship.

9 October 2019

Council President Burrell thanked Mayor Wilson, City staff, and the Councilmembers for their hard work with the budget.

Councilmember Boone moved for final adoption of Ordinance No. 1661, an ordinance to Amend Zoning Ordinance No. 1253 and to Rezone the property of Myrtle F. Bung, Trustee of the Myrtle F. Bung Living Trust, from M-1 Light Industrial District to Planned Unit Development (PUD). This property is generally located on the west side of S. Section Street just south of Pecan Avenue, Fairhope, Alabama. PPIN Number: 5611; parcel containing 5.22 acres, more or less. (Introduced at the September 23, 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 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 wastewater collection and transmission system. These improvements include the implementation of Side Stream Storage Vessels in key locations that will provide relief of peak flows to the Wastewater Treatment Plant during heavy rain events and reduce the potential for Sanitary Sewer Overflows. One such location is on property the Retirement Systems of Alabama, RSA, has agreed to deed to the City of Fairhope; and the The City Council approves the terms of the agreement, at no cost to the city, for the transfer of property from the Retirement Systems of Alabama to the City of Fairhope for the use in the city constructing the desired Side Stream Storage facility. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 3518-19**


**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIHOPE, ALABAMA,** That the City Council of Fairhope desires to improve the wastewater collection and transmission system. These improvements include the implementation of Side Stream Storage Vessels in key locations that will provide relief of peak flows to the Wastewater Treatment Plant during heavy rain events and reduce the potential for Sanitary Sewer Overflows. One such location is on property the Retirement Systems of Alabama, RSA, has agreed to deed to the City of Fairhope.

The City Council approves the terms of the agreement, at no cost to the city, for the transfer of property from the Retirement Systems of Alabama to the City of Fairhope for the use in the city constructing the desired Side Stream Storage facility.

Adopted on this 9th day of October, 2019

  
\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

9 October 2019

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution t That the City Council of Fairhope desires to operate and maintain key facilities in the wastewater collection and transmission system. Battles Road LLC has, or is in the processes of, developing a 204-unit apartment complex on the northeast corner of Section Street and Old Battles Road. The lift station that was installed for this project may be utilized for additional flows from offsite developments in the future and can be managed during heavy rain events to minimize impacts to the downstream portions of the overall wastewater collection and transmission system; and the City Council authorizes the Mayor to execute a maintenance transfer agreement where Fairhope Utilities will operate and maintain the lift station with an associated easement for rights of ingress and egress to the property where the lift station is located. There are no upfront costs to the developer for Fairhope Utilities. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 3519-19**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIHOPE, ALABAMA,** That the City Council of Fairhope desires to operate and maintain key facilities in the wastewater collection and transmission system. Battles Road LLC has, or is in the processes of, developing a 204-unit apartment complex on the northeast corner of Section Street and Old Battles Road. The lift station that was installed for this project may be utilized for additional flows from offsite developments in the future and can be managed during heavy rain events to minimize impacts to the downstream portions of the overall wastewater collection and transmission system.

The City Council authorizes the Mayor to execute a maintenance transfer agreement where Fairhope Utilities will operate and maintain the lift station with an associated easement for rights of ingress and egress to the property where the lift station is located. There are no upfront costs to the developer for Fairhope Utilities.

Adopted on this 9th day of October, 2019

  
\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

9 October 2019


Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council of Fairhope desires to improve the wastewater collection and transmission system. These improvements include the extension of the Phase I transmission system improvements from Fairhope Avenue and Ingleside Street to areas east of Greeno Road and will bypass flows from certain pumping stations to allow for more redundancy in the system and reduce existing lift station upgrades within the system described in the Proposal (PROJECT UNDERSTANDING) from Dewberry, dated June 17, 2019, copy attached; and the City Council approves the Dewberry proposal and authorizes the Mayor to execute an agreement for the design fee anticipated to be \$105,000.00, more or less, depending on the Construction value of the project once bids are received. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

**RESOLUTION NO. 3520-19**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIHOPE, ALABAMA,** That the City Council of Fairhope desires to improve the wastewater collection and transmission system. These improvements include the extension of the Phase I transmission system improvements from Fairhope Avenue and Ingleside Street to areas east of Greeno Road and will bypass flows from certain pumping stations to allow for more redundancy in the system and reduce existing lift station upgrades within the system described in the Proposal (PROJECT UNDERSTANDING) from Dewberry, dated June 17, 2019, copy attached.

The City Council approves the Dewberry proposal and authorizes the Mayor to execute an agreement for the design fee anticipated to be \$105,000.00, more or less, depending on the Construction value of the project once bids are received.

Adopted on this 9th day of October, 2019

  
\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

9 October 2019

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing and Consenting to the transfer of ownership, maintenance, and responsibility for portions of Twin Beech Road (aka CR 44) and Bishop Road in the City of Fairhope from Baldwin County. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 3521-19**

**AUTHORIZING AND CONSENTING TO THE TRANSFER OF  
OWNERSHIP, MAINTENANCE, AND RESPONSIBILITY FOR  
PORTIONS OF TWIN BEECH ROAD (AKA CR44) AND BISHOP ROAD  
IN THE CITY OF FAIRHOPE**

**WHEREAS**, Twin Beech Road (also known as CR44) from the intersection of Greeno Road (US Hwy 98) to the intersection of County Road 13 approximately 5,280 feet in length (1.0 mile); and Bishop Road from the intersection of Fairhope Avenue to the intersection of Edwards Avenue approximately 1,320 feet in length (0.25 mile), are roads or road segments with the majority of the road frontages inside the corporate limits of the City of Fairhope and collectively described herein as "the Fairhope Roads"; and

**WHEREAS**, the City of Fairhope desires to take over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for the Fairhope Roads in order to facilitate the orderly development and maintenance of this area in its corporate limits; and

**WHEREAS**, the City of Fairhope has found and determined that taking over sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for the Fairhope Roads is in the best interest of the City of Fairhope; and

**WHEREAS**, the City of Fairhope has the legal authority to carry out the intent of this resolution pursuant to Code of Alabama, Section 11-49-80 and other state laws and constitutional amendments.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fairhope, Alabama, as follows:

Section 1. That the City of Fairhope hereby agrees to accept and take over from Baldwin County the sole and exclusive ownership, control, management, supervision, regulation, repair, maintenance, improvement, and responsibility for the Fairhope Roads.

9 October 2019


Section 2. That the Mayor, City Clerk, and other City officials are hereby authorized to execute and deliver such documents or agreements to Baldwin County as are necessary or requested to carry out the intent of this Resolution.

Section 3. Based on the condition and use of that portion of the Fairhope Roads, in accordance with Ala. Code Section 11-49-80 and 81 (1975), the County and the City of Fairhope agree that the County shall not be required to pay any sum or sums for being relieved of the burden of the ownership, control, management, supervision, repair, maintenance and improvement of the Fairhope Roads.

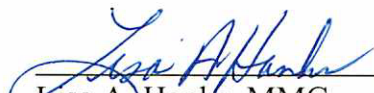
Section 4. If any part, section or subdivision of this Resolution shall be held to be illegal, invalid or unenforceable for any reason, such holding shall not be held or construed to invalidate or impair the remaining provisions of this Resolution which shall continue in full force and effect notwithstanding such holding.

Adopted and approved this 9th day of October, 2019

CITY OF FAIRHOPE

BY:  /  
Karin Wilson /Date  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Lisa A. Hanks, MMC /Date  
City Clerk

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the Council President Jack Burrell is hereby authorized to execute a contract for Professional Services for closing costs and title insurance on the Recreation Land Purchase with Kopesky & Britt, LLC with a cost not-to-exceed \$9,000.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

9 October 2019

**RESOLUTION NO. 3522-19**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, That Council President Jack Burrell is hereby authorized to execute a contract for Professional Services for closing costs and title insurance on the Recreation Land Purchase with Kopesky & Britt, LLC with a cost not-to-exceed \$9,000.00.

DULY ADOPTED THIS 9TH DAY OF OCTOBER, 2019

  
 Jack Burrell, Council President

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 Council approves Resolution No. 3247-18 be amended for procurement of one (1) rear loading Recycle Truck for the Public Works Department, this is a three-year lease to own purchase, including freight for a total buy in the amount of \$155,999.00 to be leased through BancorpSouth Equipment Finance or another local bank. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

**RESOLUTION NO. 3523-19**


**WHEREAS**, on the 26th day of November, 2018, the City of Fairhope adopted Resolution No. 3247-18; a resolution to approve the purchase of an Rear Loading Recycle Truck for the Public Works 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 cost will be \$155,999.00;

**WHEREAS**, there is a need to amend the resolution to add "The three-year lease-to-own for a total buy in the amount of \$155,999.00 including freight to be leased through BancorpSouth Equipment Finance or another local bank" and to authorize the execution of the agreement or sub-agreement with the bank as well.


9 October 2019

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA,** That Resolution No. 3247-18 is hereby amended to add “The three-year lease-to-own for a total buy in the amount of \$155,999.00 including freight to be leased through BancorpSouth Equipment Finance or another local bank” and authorizes the execution of the agreement or sub-agreement with the bank as well.

Adopted on this 9th day of October, 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 procurement of the Set up/rental of two sound stages, stage lights, and 8 snow machines for the City of Fairhope’s Lighting of the Trees Celebration 2019 from Sound Associates, Inc. for up to three one-year contracts with an annual cost of \$10,500.00 (with a total not to exceed of \$31,500 for the three years). Seconded by Councilmember \_\_\_\_\_, motion passed unanimously by voice vote.

**RESOLUTION NO. 3524-19**

**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 procurement of the Set up/rental of two sound stages, stage lights, and 8 snow machines for the City of Fairhope’s Lighting of the Trees Celebration 2019 from Sound Associates, Inc. for up to three one-year contracts with an annual cost of \$10,500.00 (with a total not to exceed of \$31,500 for the three years).

Adopted on this 9th day of October, 2019

  
\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk



9 October 2019

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council hereby amends Resolution No. 3209-18 as follows: “change the name of the league from the American South Football Alliance to IAFL Semi-Pro” and “change the name of the team from the Fairhope Vikings to the Fairhope Storm.” Seconded by Councilmember Boone, motion passed unanimously by voice vote.

**RESOLUTION NO. 3525-19**

**WHEREAS**, on the 13th day of November, 2018, the City of Fairhope adopted Resolution No. 3209-18; a resolution that the City Council hereby authorizes and sets the Park and Street Usage Fees for the American South Football Alliance’s Fairhope Vikings semi-professional football team for a five-year term starting January 1, 2019 through December 31; and


**WHEREAS**, there is a need to amend the resolution as follows: “change the name of the league from the American South Football Alliance to IAFL Semi-Pro” and “change the name of the team from the Fairhope Vikings to the Fairhope Storm.”

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council hereby amends Resolution No. 3209-18 as follows: “change the name of the league from the American South Football Alliance to IAFL Semi-Pro” and “change the name of the team from the Fairhope Vikings to the Fairhope Storm.”

Adopted on this 9th day of October, 2019

  
\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

Councilmember Brown introduced in writing, and moved for the adoption of the following resolution, a resolution approving the Holidays for FY 2019 – 2020. Seconded by Councilmember Boone, motion passed unanimously by voice vote. Council President Burrell commented the employees also get a Personal Day for their Birthday.

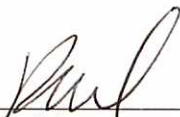
9 October 2019

**RESOLUTION NO. 3526-19**

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, THAT THE FOLLOWING 2019 – 2020 HOLIDAYS WILL BE OBSERVED BY ALL CITY PERSONNEL EXCEPT EMERGENCY EMPLOYEES:

<b>Veterans Day</b>	-	<b>Monday, November 11, 2019</b>
Thanksgiving Holidays	-	Thursday & Friday, November 28 & 29, 2019
1/2 Day Christmas Eve	-	Tuesday, December 24, 2019
Christmas Holiday	-	Wednesday, December 25, 2019
New Year's Day	-	Wednesday, January 1, 2020
Martin Luther King, Jr.	-	Monday, January 20, 2020
Memorial Day	-	Monday, May 25, 2020
Independence Day	-	Friday, July 3, 2020
Labor Day	-	Monday, September 7, 2020

DULY ADOPTED THIS 9TH DAY OF OCTOBER, 2019

  
 \_\_\_\_\_  
 Karin Wilson, Mayor

Attest:

  
 \_\_\_\_\_  
 Lisa A. Hanks, MMC  
 City Clerk

Councilmember Boone moved to grant the recommendation of the Street and Traffic Control Committee requesting from the City Council authorization to place an all-way stop at the intersection of White Avenue and Equity Street to help with traffic. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

9 October 2019

Councilmember Conyers moved to grant the request of Michael C. Walters, Location Scout/Manager with the Intermark Group/Vazda Studios requesting that the one-time \$1,000.00 application fee and the \$5,000.00 refundable deposit be waived due to the fact that this is a filming project for the State of Alabama Department of Tourism. They are filming 4 separate 30 second commercials in the following locations in Alabama: Auburn-Opelika, Montgomery, Gulf Shores-Orange Beach, and Fairhope-Eastern Shore. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the date for the 2019 Annual Magical Christmas Parade shall be set on Friday night December 6, 2019. The Annual Parade shall start at approximately 7:00 p.m. on said date and notice of said date change shall be communicated to all prospective and actual applicants. Additionally, Fairhope's monthly traditional First Friday Art Walk shall be moved once to Saturday, December 7, 2019. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

**RESOLUTION NO. 3527-19**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA,** That the date for the 2019 Annual Magical Christmas Parade shall be set on Friday night December 6, 2019. The Annual Parade shall start at approximately 7:00 p.m. on said date and notice of said date change shall be communicated to all prospective and actual applicants. Additionally, Fairhope's monthly traditional First Friday Art Walk shall be moved once to Saturday, December 7, 2019.

Adopted on this 9th day of October, 2019

  
 Jack Burrell, Council President

Attest:

  
 Lisa A. Hanks, MMC  
 City Clerk

9 October 2019

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

- 1) Dean Mosher, 456 Oak Avenue, addressed the City Council regarding the Fairhope Single Tax Corporation and preservation of the Tatumville property. He stated in 1895 the first storm water district was established. The Fairhope Single Tax Corporation has tried to develop the Tatumville property and a petition was presented for the property not to be developed. Mr. Mosher said a new development is being prepared for this property; and wishes the City would take the land and preserve it for our children. He said this land does not need to be developed.
- 2) Tony Pritchett, 9 Viale Trentino, addressed the City Council and said he agreed with Mr. Mosher; and we need to protect the Tatumville property.

Council President Burrell said we are lacking in our Red Clay Ordinance. He said we need to resurrect both the Red Clay and Wetlands Ordinances.

- 3) Cory Martin, Summer Lake, addressed the City Council regarding the purchase of the land at County Road 32 and County Road 13. He told the City Council they were rushing to purchase the property; and it is a waste of funds to buy pay dirt. He wished the City Council would put a park in Tatumville.

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 6:35 p.m.

  
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Jack Burrell, Council President

  
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Lisa A. Hanks, MMC  
City Clerk