

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, 27 April 2020.

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.

Mayor Wilson addressed the City Council regarding the following items:

- 1) Plan for opening up City facilities and continue following the State Order. This will be a phased plan for opening City facilities;
- 2) Mentioned there are 23 confirmed cases in the City of Fairhope which is the largest number in the County;
- 3) Ingleside will be closed for four weeks and Section Street should be open next week;
- 4) Crosswalk on Section Street is not working, but contractor has been notified;
- 5) Mayor's Prayer Breakfast will be a virtual meeting on May 7, 2020;
- 6) Thomas Hospital will be phasing in surgeries; and
- 7) Two more of our Projects have been awarded: Sewer Upgrades and Comprehensive Land Use Plan.

Mayor Wilson continued her discussion of the proposed large-scale marketing plan for small businesses to rebound from the Work Session. She commented Hatch should get an annual appropriation and the \$20,000.00 AMEA grants are more appropriate for use with businesses. She mentioned the gas tax and lodging tax again. Mayor Wilson stated she would need \$65,000.00 for marketing; and invest a little in our City. She said the Downtown Business Association and Eastern Shore Chamber of Commerce are not working for all businesses. Mayor Wilson told the City Council we will first focus on locals and then on tourism.

Councilmember Robinson said most are in favor of boosting our local economy; and do not see tourist coming to Fairhope. He said people are out and want to get out.

Mayor Wilson replied we need to reroute online shopping to locals and have a website for all businesses. She said it is really critical to help local businesses; and we do not spend any funds on small businesses.

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Councilmember Conyers commented there was BP advertising for beaches due to oil spill. He said we need to do marketing for tourism in future; and use word of mouth for locals. Councilmember Conyers said the Downtown Business Association helps locals and promotes the downtown right now.

Councilmember Brown said we would be competing with the Downtown Business Association; and agreed with Councilmembers Conyers and Robinson. He stated we have tried to cut back on appropriations.

Councilmember Boone commented shopping local has done well; and you want to increase the number so where are you going to put them. Councilmember Boone said he feels once they are able to open, problem will go away.

Council President Burrell said he wants to know how this will work. He said there will be lag in sales, but a natural rebound will occur. Council President Burrell stated he has not seen the details, but it is not out of the question. He said the AMEA grant can be used for anything; and the marketing plan could come from the General Fund. Council President Burrell said he was not in favor of increasing taxes; and we can control our budget by spending. He commented if trend is to continue, we have a \$7.0 million dollar "Rainy Day Fund" to handle this.

Mayor Wilson said we need to find ways to do better for the City. Councilmember Brown commented if we increase the Lodging Tax and add a Gas Tax, we will spend more money in the next fiscal year. Mayor Wilson said "you do not support economic development. Councilmember Robinson replied we need to see the Marketing Plan for locals.

Councilmember Boone moved to approve minutes of the 13 April 2020, regular meeting; and minutes of the 13 April 2020, agenda meeting. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

Council President Burrell stated we closed playgrounds, Municipal pier, and North Beach; and asked the City Council for their thoughts on reopening. Councilmember Robinson said absent some extension by Governor, he was okay to reopen. He said we could have a special meeting on Wednesday, would like to see the Directors' Plan; and could wait until Governor's Press Conference tomorrow. Councilmember Conyers said we should follow suit by State Order. Councilmember Brown stated we should have a special meeting after Press Conference; and not opposed to open up. Councilmember Boone commented if people not responsible; actions are theirs. He said it is prudent to wait. Council President Burrell said he was okay with waiting for special meeting.

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Council President Burrell stated the City Council specifically stated to leave the Golf Course open. He said if employees are fearful, we can use temporary employees. Mayor Wilson replied I closed the course and you had three weeks that you could have opened it.

After further discussion, Council President Burrell stated there was a need to add on an agenda item after Agenda Item Number 11: a resolution that the City Council hereby authorizes to open Quail Creek Golf Course to members and non-members on May 2, 2020 at 7:00 a.m. The restaurant should remain closed pursuant to State mandate until further State Orders opens said facility. Quail Creek shall adhere to local and PGA approved social distancing protocols currently in place including the use of golf carts. Drink carts shall be made available using current social distancing measures in place at other local golf courses.

Council President Burrell passed the gavel down to Councilmember Robinson and then moved to add on the above-mentioned item not on the printed agenda. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Conyers moved for final adoption of Ordinance No. 1680, an ordinance to repeal Ordinance No. 1565 and to Establish Vote Counting Devices for use in all Municipal Elections. (Introduced at the April 13, 2020 City Council Meeting) Seconded by Councilmember Robinson, motion for final adoption passed by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY - None.

Councilmember Robinson introduced in writing an ordinance to annex the property of James Lloyd Thomas and Diane Starnes Thomas located at 23545 2nd Street, Fairhope, Alabama. Tax Parcel 43-09-43-0-000-009.001. Due to lack of a motion for immediate consideration, this ordinance will layover until the May 11, 2020 City Council meeting.

Council President Burrell explained the meaning of “essential minimum functions.” He read the following regarding public hearings:

- The proposed zoning amendment regarding the Greeno Road Overlay Districts was originally advertised for the April 13, 2020 meeting. As advised by the League of Municipalities, zoning amendments are nonessential. For this reason, we will continue to postpone this amendment, and all other zoning and subdivision regulation amendments requiring a public hearing until further notice. To make sure everyone has a chance to participate, prior to putting the Greeno amendment back on an agenda we will make an announcement during a prior Council meeting.

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- There was also a zoning change case ZC 20.02 advertised for tonight's agenda that would require a public hearing. We believe this case meets the criteria of "essential business," as advised by the League of Municipalities. However, our Resolution states that a public hearing would not be held until we make an announcement during a Council meeting. Therefore, we will move zoning case ZC 20.02 to the May 11, 2020 Council meeting. There will be an opportunity for the public to participate by computer or phone. We are working on detailed instructions to participate which will be included in the packet for the May 11, 2020 meeting.
- Finally, the Planning Commission will hold a virtual meeting next Monday, May 4, 2020 that will include quite a few public hearings. Agendas and instructions to participate may be found on the Planning Department's section of the City's website.

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council amends Resolution No. 3680-20 by adding the following for Public Hearings: all public hearings of the City Council, Planning Commission, and Board of Adjustments and Appeals are postponed until further notice **unless the Public Hearings entail "essential minimum functions."** Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

RESOLUTION NO. 3694-20

WHEREAS, on the 13th day of April, 2020, the City Council adopted Resolution No. 3680-20; a resolution that due to the limitations on public gatherings and social distancing protocol pursuant to advisement of the Alabama Department of Public Health and Orders of the Governor: all public hearings of the City Council, Planning Commission, and Board of Adjustments and Appeals are postponed until further notice. Prior to resuming public hearings, an announcement will be made by the City Council at a future meeting; and

WHEREAS, after the adoption of the resolution, it became apparent that some Public Hearings may entail "essential minimum functions" which means an action is needed to keep the entity's services or operations ongoing so the entity or its services do not suffer prejudice, harm, or failure to meet an existing obligation; and

WHEREAS, it is desirous of the City Council to amend this resolution to add the following after the words further notice: "unless the Public Hearings entail essential minimum functions."

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BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That due to the limitations on public gatherings and social distancing protocol pursuant to advisement of the Alabama Department of Public Health and Orders of the Governor: all public hearings of the City Council, Planning Commission, and Board of Adjustments and Appeals are postponed until further notice unless the Public Hearings entail “essential minimum functions.” Prior to resuming public hearings, an announcement will be made by the City Council at a future meeting.

Adopted on this 27th day of April, 2020



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 to Authorize the Submission of an FY 2021 Transportation Alternatives Set-Aside Program Grant to the Alabama Department of Transportation to Construct New Sidewalk Facilities along Fairwood Boulevard and Blue Island Avenue. Total project cost is estimated at \$500,373.63; the City will be responsible for providing 20 percent or \$100,074.73. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

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RESOLUTION NO. 3695-20**AUTHORIZING THE SUBMISSION OF AN FY
2021 TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM
GRANT TO THE ALABAMA DEPARTMENT OF TRANSPORTATION
TO CONSTRUCT NEW SIDEWALK FACILITIES ALONG
FAIRWOOD BOULEVARD AND BLUE ISLAND AVENUE**

WHEREAS, the Alabama Department of Transportation (ALDOT) is accepting applications from municipal governments for FY 2021 Transportation Alternatives Set-Aside Program (TAP) Grants; and

WHEREAS, the City of Fairhope has identified the need to provide new sidewalk facilities designated for use by pedestrians along Fairwood Boulevard and Blue Island Avenue in Fairhope; and

WHEREAS, the total project cost is estimated at \$500,373.63, and if funded, the grant will pay 80% or \$400,298.90 and the City of Fairhope will be responsible for providing 20% or \$100,074.73; and

WHEREAS, if funded, the City will see this project through to completion and will be responsible for providing long-term maintenance of the new facilities; and

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE IN REGULAR SESSION ASSEMBLED, that by this Resolution the City of Fairhope authorizes submission of a TAP Grant to ALDOT requesting funds to construct new pedestrian facilities.

BE IT FURTHER RESOLVED that the City Council authorizes the Mayor to sign all required grant application documents on behalf of the City.

DULY ADOPTED THIS 27TH DAY OF APRIL, 2020



Karin Wilson, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

27 April 2020

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Karin Wilson to inform and submit the Municipal Water Pollution Prevention Program (MWPP) Report for 2019 to the Department of Environmental Management. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

RESOLUTION NO. 3696-20

MUNICIPAL WATER POLLUTION PREVENTION (MWPP) PROGRAM

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Karin Wilson is hereby authorized to inform the Department of Environmental Management that the following actions were taken by the City Council of the City of Fairhope, Alabama.

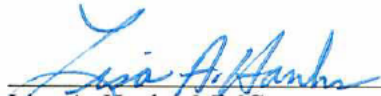
1. Reviewed the MWPP Annual Report which is attached to the resolution.
2. Set forth the following actions and schedule necessary to maintain effluent requirement contained in the NPDES Permit, and to prevent the bypass and overflow of raw sewage within the collection system or at the treatment plant:
 - (a) Continue to locate and repair breaches in the collection system that allow infiltration and flow into the wastewater system.
 - (b) Continue to upgrade transmission capacity to keep pace with growth.
 - (c) Continue to develop maintenance alarms within the SCADA System that encourage a proactive maintenance response to prolong the useful life of pumps and motors in the system.
 - (d) Use the SCADA System using system storage and future side stream storage systems when available.
 - (e) Continue to perform O & M requirements to the treatment and collection system and complete repairs when discovered.

Adopted this 27th day of April, 2020



 Karin Wilson, Mayor

Attest:



 Lisa A. Hanks, MMC
 City Clerk

27 April 2020

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 Change Order No. 4 to the Goodwin, Mills Cawood, Inc. Project No. AMOB170026, Fairhope Library Envelope Repairs, with a deduction from the contract in the amount of \$17,472.04; and award the Change Order to MW Rogers Construction Co., LLC. This deductive change order reduces the total contract price from \$1,010,950.00 to \$993,477.96 which included the following: entrance tunnels refund of \$6,150.00; unit prices refund of \$7,578.04; and ADI 30 roofing demolition refund of \$3,744.00. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

RESOLUTION NO. 3697-20

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Karin Wilson is hereby authorized to execute Change Order No. 4 to the Goodwin, Mills Cawood, Inc. Project No. AMOB170026, Fairhope Library Envelope Repairs, with a deduction from the contract in the amount of \$17,472.04, and award the Change Order to MW Rogers Construction Co., LLC.

This deductive change order reduces the total contract price from \$1,010,950.00 to \$993,477.96 which included the following: entrance tunnels refund of \$6,150.00; unit prices refund of \$7,578.04; and ADI 30 roofing demolition refund of \$3,744.00.

Adopted on this 27th day of April, 2020



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 hereby approves and amends the "Fairhope Docks License and Lease Agreement for Dockage Space" as presented in the attachment. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

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RESOLUTION NO. 3698-20

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby approves and amends the "Fairhope Docks License and Lease Agreement for Dockage Space" as presented in the attachment.

ADOPTED ON THIS 27TH DAY OF APRIL, 2020


 Karin Wilson, Mayor

Attest:



 Lisa A. Hanks, MMC
 City Clerk

Councilmember Robinson moved to grant the request of Bryant Whelan, Executive Director of Eastern Shore Art Center, requesting permission to close Oak Street between Bancroft and Section Streets on May 14, 2020 between 5:00 p.m. to 11:00 p.m. for their White Linen Night fundraising event; and to serve alcohol at event. The street closure is contingent on the Governor's Order being lifted. Seconded by Councilmember Brown, 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 hereby authorizes to open Quail Creek Golf Course to members and non-members on May 2, 2020 at 7:00 a.m. The restaurant should remain closed pursuant to State mandate until further State Orders opens said facility. Quail Creek shall adhere to local and PGA approved social distancing protocols currently in place including the use of golf carts. Drink carts shall be made available using current social distancing measures in place at other local golf courses. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

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RESOLUTION NO. 3699-20

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council hereby authorizes to open Quail Creek Golf Course to members and non-members on May 2, 2020 at 7:00 a.m. The restaurant should remain closed pursuant to State mandate until further State Orders opens said facility.

Quail Creek shall adhere to local and PGA approved social distancing protocols currently in place including the use of golf carts. Drink carts shall be made available using current social distancing measures in place at other local golf courses.

Adopted on this 27th day of April, 2020


 Jack Burrell, Council President

Attest:


 Lisa A. Hanks, MMC
 City Clerk

At the request of the City Attorney, Marcus E. McDowell, the City Council will rise from the meeting to go into Executive Session based on Section 36-25A-7(a)(3) to discuss pending litigation and possible settlement options regarding said pending litigation. The approximate time to be in Executive Session is 30 minutes. Councilmember Boone moved to go into Executive Session. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

Exited the dais at 7:13 p.m. Returned at 7:24 p.m.

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

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There being no further business to come before the City Council, the meeting was duly adjourned at 7:24 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk