

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, 11 May 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 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 items after Agenda Item Number 10: a resolution that the City Council hereby repeals Resolution No. 3679-20, Resolution No. 3680-20 and Resolution No. 3694-20; and approves to allow Public Participation and all Public Hearings based on the Governor's new State Order: to not limit public gatherings, but to follow social distancing protocols set forth by the State of Alabama; and any social distancing protocols set forth by this body will expire once the Governor adopts a State Order lifting these protocols; a resolution that Resolution No. 3700-20 is here by amended to reflect the following actions shall be taken pursuant to the revised Orders of Governor Ivey and adopts the Mayor's recommendations along with the following changes. Contingent on further Orders of the Governor, the following shall open on June 1, 2020: James P. Nix Center (see Nix specific phasing plan attached), Fairhope Museum of History, and Fairhope Civic Center Rentals. Volunteers will be welcomed back on June, 1, 2020; and an Ordinance to Establish an Emergency Water Conservation Plan for the City of Fairhope for Customers or Persons who use the City of Fairhope Water System.

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

Councilmember Conyers moved to approve minutes of the 27 April 2020, regular meeting; minutes of the 27 April 2020, work session; and minutes of the 30 April 2020, special emergency COVID-19 meeting. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

Mayor Wilson addressed the City Council with the following Power Point Presentation found at the end of the minutes.

11 May 2020

Councilmember Conyers commented that citizens said they would allow use of extra parking spots to help Downtown businesses rebound; i.e. blocking off streets. Councilmember Brown said we could block off places in front of businesses. Planning and Zoning Manager Hunter Simmons said fairness is the main issue. Mayor Wilson said we could block out in front of businesses and make it equitable.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Robinson introduced in writing an ordinance to rezone the property of Fairhope Single Tax Corporation and Linda R. Walker from RA Residential/Agriculture District to R-1 Low Density Single Family Residential District. The property generally located at 8800 Morphy Avenue, Fairhope, Alabama. PPIN Number: 14591. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance.

Planning and Zoning Manager Hunter Simmons briefly explained the proposed ordinance subject to conditions.

Council President Burrell opened the Public Hearing at 6:28 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:28 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the May 28, 2020 City Council meeting.

Councilmember Conyers moved for final adoption of Ordinance No. 1681, 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. (Introduced at the April 27, 2020 City Council Meeting) Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY - None.

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council hereby authorizes Mayor Karin Wilson to execute a Mutual Aid Agreement between the American Public Power Association and the City of Fairhope which facilitates rapid, short-term deployment of emergency support prior to, during, and after an incident or disaster and fulfills a federal policy for reimbursement of presidentially declared disaster expenses. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.


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11 May 2020

RESOLUTION NO. 3703-20

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council hereby authorizes Mayor Karin Wilson to execute a Mutual Aid Agreement between the American Public Power Association and the City of Fairhope which facilitates rapid, short-term deployment of emergency support prior to, during, and after an incident or disaster and fulfills a federal policy for reimbursement of presidentially declared disaster expenses.

Adopted on this 11th day of May, 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 that Mayor Karin Wilson is hereby authorized to execute a contract with Rylands Underground Services, Inc. for Professional Boring Services to connect natural gas, 650 feet, to a new subdivision "Tracery" for with a not-to-exceed amount of \$7,800.00 which is an unbudgeted service. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

RESOLUTION NO. 3704-20

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Karin Wilson is hereby authorized to execute a contract with Rylands Underground Services, Inc. for Professional Boring Services to connect natural gas, 650 feet, to a new subdivision "Tracery" for with a not-to-exceed amount of \$7,800.00 which is an unbudgeted service.

DULY ADOPTED THIS 11TH DAY OF MAY, 2020


 Karin Wilson, Mayor

Attest:



 Lisa A. Hanks, MMC
 City Clerk

11 May 2020

Councilmember Brown introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the procurement of Materials and Labor by an Outside Contractor to build 17 Trash Receptacles with Flowerbox Tops to replace existing on for the Public Works Department (Citywide). The Flowerboxes will be procured from Seale Quality Construction and Renovations with a total cost of \$13,475.00. The motion was seconded by Councilmember Robinson. Councilmember Conyers commented a percentage should be recycling bins. Councilmember Brown suggested putting signs on some of these for a test. After further discussion, motion passed unanimously by voice vote.

RESOLUTION NO. 3705-20

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

[1] That the City of Fairhope approves the procurement of Materials and Labor by an Outside Contractor to build 17 Trash Receptacles with Flowerbox Tops to replace existing on for the Public Works Department (Citywide). The Flowerboxes will be procured from Seale Quality Construction and Renovations with a total cost of \$13,475.00.

Adopted on this 11th day of May, 2020



 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 authorizes and approves the hiring of the new Water and Sewer Superintendent to allow the current Water and Sewer Superintendent to work with and train the new employee prior to his leaving in August 2020. This will be beneficial to the City as well as the new hire. The temporary position will expire upon retirement of the current Superintendent. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

11 May 2020

RESOLUTION NO. 3706-20

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council authorizes and approves the hiring of the new Water and Sewer Superintendent to allow the current Water and Sewer Superintendent to work with and train the new employee prior to his leaving in August 2020. This will be beneficial to the City as well as the new hire. The temporary position will expire upon retirement of the current Superintendent.

ADOPTED THIS 11TH DAY OF MAY, 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 that the City Council hereby repeals Resolution No. 3679-20, Resolution No. 3680-20 and Resolution No. 3694-20; and approves to allow Public Participation and all Public Hearings based on the Governor's new State Order: to not limit public gatherings, but to follow social distancing protocols set forth by the State of Alabama; and any social distancing protocols set forth by this body will expire once the Governor adopts a State Order lifting these protocols. The motion was seconded by Councilmember Robinson. Council President Burrell told the City Council that a caller said not having public participation was illegal. He said it was not illegal but was a privilege for citizens to speak. After further discussion, motion passed unanimously by voice vote.

RESOLUTION NO. 3707-20

WHEREAS, on the 13th day of April, 2020, the City Council adopted Resolution No. 3679-20; a resolution that the City Council hereby suspends Public Participation for Agenda and Non-Agenda items until further notice due to the "Shelter in Place" Order by the Alabama Department of Public Health and Governor; and will expire once the Order has been lifted; and

11 May 2020

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, on the 27th day of April, 2020, the City Council adopted Resolution No. 3694-20 which amended 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 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; and

WHEREAS, it is desirous of the City Council to repeal these resolutions and to allow Public Participation and **all** Public Hearings based on the Governor's new State Order: to not limit public gatherings, but to follow social distancing protocols set forth by the State of Alabama; and any social distancing protocols set forth by this body will expire once the Governor adopts a State Order lifting these protocols.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council hereby repeals Resolution No. 3679-20, Resolution No. 3680-20 and Resolution No. 3694-20; and approves to allow Public Participation and all Public Hearings based on the Governor's new State Order: to not limit public gatherings, but to follow social distancing protocols set forth by the State of Alabama; and any social distancing protocols set forth by this body will expire once the Governor adopts a State Order lifting these protocols.

Adopted on this 11th day of May, 2020



Jack Burrell, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

11 May 2020

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that Resolution No. 3700-20 is here by amended to reflect the following actions shall be taken pursuant to the revised Orders of Governor Ivey and adopts the Mayor's recommendations along with the following changes. Contingent on further Orders of the Governor, the following shall open on June 1, 2020: James P. Nix Center (see Nix specific phasing plan attached), Fairhope Museum of History, and Fairhope Civic Center Rentals. Volunteers will be welcomed back on June, 1, 2020. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

RESOLUTION NO. 3708-20

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Resolution No. 3700-20 is here by amended to reflect the following actions shall be taken pursuant to the revised Orders of Governor Ivey and adopts the Mayor's recommendations along with the following changes.

Contingent on further Orders of the Governor, the following shall open on June 1, 2020:

James P. Nix Center (see Nix specific phasing plan attached)
Fairhope Museum of History, and
Fairhope Civic Center Rentals.

Volunteers will be welcomed back on June, 1, 2020.

Adopted on this 11th day of May, 2020



Karin Wilson, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Conyers introduced in writing an ordinance to to Establish an Emergency Water Conservation Plan for the City of Fairhope for Customers or Persons who use the City of Fairhope Water System. The City Council wanted to take time to review this ordinance before voting. Due to lack of a motion for immediate consideration, this ordinance will layover until the Special-Called Emergency City Council meeting.

11 May 2020

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 Alabama Code § 36-25A-7(a)(6) to discuss the consideration the City is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. The discussions could have a detrimental effect upon the competitive position of the City in the negotiations if the matter was discussed in public. The approximate time to be in Executive Session is 20 minutes. Councilmember Boone moved to go into Executive Session. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

Exited the dais at 6:51 p.m. Returned at 7:11 p.m.

Councilmember Boone 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 7:11 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk

MAYOR REPORT
MAY 11, 2020



7-MONTH REVIEW OF 2020 BUDGET *Through April 2020*

Mid March Planned for Reduced Revenue

- Postponed non-critical expenses & acquisitions
- Delayed capital projects unless funded by Grants, Impact Fees or RESTORE funds.
- Postponed new hires

In mid March, I met with each director to review where we were in our budget as we entered the pandemic.

At this point:

- We postponed all expenses that were not considered critical
- Postponed all acquisitions until we get a better idea of where we'll be when things get back to normal (which we still are not yet)
- Delayed capital projects unless it was being funded by GRANTS, IMPACT FEES or RESTORE funds
- Most all of utility depts continued infrastructure projects from the belief that revenue would likely not be affected...and for the most part, that is the case. Infrastructure projects have continued
- Postponed new hires to limit liability and exposure

Because of this early intervention we were able to reduce expenses for the City 1,279,124 cut City (doesn't include cuts from utility, to date we are on track to exceed end of year projected budget).

YEAR TO DATE & PROJECTED YEAR END BUDGET
(58% through the year - 7 months)

Mayor's Budget (without parkland purchase)

Revenue = 62% (4% over projected budget)

Expenses = 46% (12% under projected budget)

End of year projection SURPLUS \$1,086,733

Council Budget (last minute purchase of parkland \$2.65M)

Revenue = 62% (4% over projected budget)

Expenses = 65% (7% over projected budget)

End of year projection DEFICIT \$1,506,735

We through 58% of this year YEAR as end of April - 7 months.

It was just recently did I realize that due to Council purchasing the parkland for \$2.65M after the budget presentation through fund balances, this was not updated in the bottom line. Council didn't ask for what the budget would look like after the park purchase either - it was a purchase a adamantly opposed.

I cut and postponed projects, hires acquisitions in mid March for over \$1.28M for the City budget (a total of \$2.6M including utilities)

Because of this early intervention of cuts in March we were really doing well - Rev was over projections and expenses as a result were way under.

Unfortunately, i have to add the park purchase that depleted most of our capital project fund balances and based on this, we're over budget in expenses and projected for over \$1.5M deficit.

I don't think Council realized that with this purchase after I proposed a balanced budget with a surplus, that we would show such a huge deficit..



This weekend two subdivisions had low water pressure and some had no water. The water dept was very busy fixing broken water lines.

The fact is, The city allows and continues to allow developers to hire their own engineers to self-inspect these lines.

Since 2017 Richard Peterson and I have urged council about the need to have an in-house engineering dept. When I took office, there was zero engineers working for the City (yes we own all of our utilities including electric and gas and our public works dept - none of which had any engineering staff.

Although I've hired leadership roles in both utilities and public works, these dept heads do not have time to inspect everything that's happening in Fairhope with development.

Because engineering has been cut for every proposed budget, we continue to allow developers to hire their own engineering to inspect and oversee what should be the min standard for water & sewer lines.

The expense of NOT having this oversight far exceeds the cost of hiring in experience that is there to protect the city from future liability. (We have building inspectors, fire inspectors, even right of way inspector as of this term. But we've never been able to fund this critical need to protect the city and the citizens who are buying the houses.

This weekend was the perfect example of what our utility dept has to go through on a daily basis. The material used for this water pipe did not meet min standards in addition to not being installed properly. Now we have to pay for this mistake forever or replace the whole line for almost a million dollars.

To the citizens who were out of water while multiple breaks in the water pipe happened, i'm sorry for the inconvenience. There will be more like this to come until we are able to hire in the experience desperately needed to inspect other's work.

The solution right now is to enact an Emergency Water Conservation Plan which I've asked council to add and approve tonight.

The heat and summer are upon us and without rain, water supply is at full capacity in lines that were installed by developers that did not meet minimum standards. Some of this is from 20 years ago.

Our water/wastewater superintendent is available to answer questions on the plan I emailed at 1:30.

Thank You.

Planning & Development
Departments



A sincere thank you to the whole planning department.
With planning commission meeting delays and a development proposal that had many citizen concerns –

The extra time and effort invested in communication and recommendations is so appreciated.

The planning commission last Mon was four hours long in order to have time to voice all concerns. I know our residents are as grateful. Thank you



MAY

**IS MENTAL HEALTH
AWARENESS MONTH**

#breakthestigma

I'll conclude my Mayor Report by observing that May is Mental Health Awareness Month with the following proclamation:

Whereas, mental health is essential to everyone's overall health and well-being; and all Americans face challenges in life that can impact their mental health; and there are practical tools that all people can use to improve their mental health and increase resiliency; and

Whereas, mental health conditions are real and prevalent in our nation; and with effective treatment, those individuals with mental health conditions can recover and lead full, productive lives; and each business, school, government agency, healthcare provider, organization and citizen share the burden of mental health problems and has a responsibility to promote mental wellness and support prevention efforts; and

therefore, I, Karin Wilson, do hereby proclaim May 2020, as Mental Health Month in Fairhope, as Mayor of the City of Fairhope, I also call upon the citizens, government agencies, public and private institutions, businesses and schools in Fairhope to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions.