

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 October 2021.

Present were Council President Jack Burrell, Councilmembers: Corey Martin, Jimmy Conyers, and Kevin Boone, Mayor Sherry Sullivan, City Attorney Marcus E. McDowell (arrived 6:20 p.m.), Attorney Marion E. Wynne (left at 6:24 p.m.) and City Clerk Lisa A. Hanks. Councilmember Jay Robinson was absent.

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. Councilmember Conyers moved to approve minutes of the 27 September 2021, regular meeting; and minutes of the 27 September 2021, work session. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

Mayor Sullivan addressed the City Council and presented Dick Schneider a Certificate of Appreciation for his service on the Board of Adjustments and Appeals. Mayor Sullivan thanked staff for their work on the budget: Kim Creech, Aislinn Stone, Sara Powell, and the Leadership Team. She thanked the City Council again for their work during the budget. Mayor Sullivan said this is a \$113,000,000.00 proposed budget; and briefly went over the highlights for the City Council and the audience.

Councilmember Martin said he was excited how we are going with our Community.

Councilmember Conyers mentioned the Fairhope High School vs. Baker High School game Friday night. He said that the Fairhope Middle School Football team is playing in the Championship on Thursday; and reminded everyone of the Kiwanis Club of Eastern Shore's Gumbo Cookoff.

Councilmember Boone gave kudos to City Staff on the budget process; and said this is the best budget he has seen.

Council President Burrell thanked Staff and Department Heads for the budget. He said a great deal of work is put into this budget; and it is easy to understand and easy to follow.

11 October 2021

A Public Hearing was held on a proposed ordinance to approve an Application from Lonnie Gibbs d/b/a Mustache Mike's for a Franchise Agreement to install and operate Italian Ice Vending Cart 100' to 200' left of the Fairhope Boardwalk Pier. Councilmember Boone introduced in writing, an ordinance to approve an Application from Lonnie Gibbs d/b/a Mustache Mike's for a Franchise Agreement to install and operate Italian Ice Vending Cart 100' to 200' left of the Fairhope Boardwalk Pier. Council President Burrell read the proposed ordinance.

Council President Burrell opened the Public Hearing at 6:11 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:11 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the October 25, 2021 City Council meeting.

Councilmember Martin introduced in writing an ordinance to Repeal and Replace Ordinance No. 1463: Amending Chapter 20, Traffic, Article I, In General, Section 20-2, Fairhope Code Of Ordinances; specifically, the Committee members. Due to lack of a motion for immediate consideration, this ordinance will layover until the October 25, 2021 City Council meeting.

Councilmember Boone introduced in writing Ordinance No. 1731, an ordinance to declare that certain real property of the City of Fairhope (Part of K-1 Center for Fairhope Educational Enrichment Foundation, Inc. outlined in Exhibit A attached to lease) is not needed for public or municipal purposes in response to an offer to lease property from October 1, 2021 through September 30, 2046.

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, Martin, Conyers, and Boone. NAY - None. Councilmember Boone then moved for final adoption of Ordinance No. 1731. Seconded by Councilmember Martin, motion for final adoption passed by the following voice votes: AYE – Burrell, Martin, Conyers, and Boone. NAY - None. Councilmember Conyers commented he was glad the northwest corner was carved out and thanked Council President Burrell.

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution for the approval of the FY 2021 – 2022 Budget. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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11 October 2021

RESOLUTION NO. 4231-21

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the proposed Budget presented and reviewed the 11th day of October 2021, be hereby approved, and adopted for the FY 2021-2022; and

BE IT FURTHER RESOLVED, that the Annual Salaries of City Personnel shall be as shown on a list entitled Annual Salaries of All City Personnel and said list filed in the Office of the City Treasurer; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the portion of the Sales and Use Tax revenue for FY 2021-2022 that is restricted in the General Fund Debt Pre-Payment Account can be used for General Fund operations up to the \$2,500,000.00 reduction; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the portion of the Sales and Use Tax revenue FY 2021-2022 that is restricted in the Capital Projects Fund (Infrastructure Improvements Special Fund) can be used for General Fund operations up to the \$2,500,000.00; and

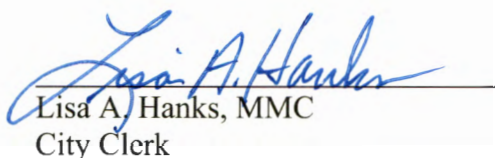
BE IT FURTHER RESOLVED, that the City Council hereby approves a 1% raise across all Departments: General Government and Utilities including employees capped for this budget cycle; and 2% set aside for merit raises for City of Fairhope employees as defined in the proposed budget; and

BE IT FURTHER RESOLVED, that all raises and salary changes adopted in the budget will become effective the day of passage.

ADOPTED THIS 11TH DAY OF OCTOBER, 2021


Jack Burrell, Council President

ATTEST:


Lisa A. Hanks, MMC
City Clerk

11 October 2021

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution to adopt the Holidays for FY 2021 – 2022. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4232-21

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the following 2021 – 2022 holidays will be observed by all City personnel except emergency employees:

<i>Veterans Day</i>	-	<i>Thursday, November 11, 2021</i>
<i>Thanksgiving Holidays</i>	-	<i>Thursday & Friday, November 25 & 26, 2021</i>
<i>1/2 Day Christmas Eve</i>	-	<i>Thursday, December 23, 2021</i>
<i>Christmas Holiday</i>	-	<i>Friday, December 24, 2021</i>
<i>New Year's Day</i>	-	<i>Friday, December 31, 2021</i>
<i>Martin Luther King, Jr.</i>	-	<i>Monday, January 17, 2022</i>
<i>Memorial Day</i>	-	<i>Monday, May 30, 2022</i>
<i>Independence Day</i>	-	<i>Monday, July 4, 2022</i>
<i>Labor Day</i>	-	<i>Monday, September 5, 2022</i>

DULY ADOPTED THIS 11TH DAY OF OCTOBER, 2021


 Jack Burrell, Council President

Attest


 Lisa A. Hanks, MMC
 City Clerk

11 October 2021

Councilmember Martin moved to table Agenda Item No. 10: a resolution that the City Council approves Dewberry Engineers, Inc. for an increase to the Professional Engineering Services for Project #2: Bayou Drive, Fairway Boulevard, and Fairhope Avenue Transmission Systems Phase 2a: Improvements from Fairhope Avenue at Ingleside to Bishop (RFQ No. PS014-18) for Construction Engineering Inspection Services that were not included in the original contract which was for Design and Master Planning. Seconded by Councilmember Conyers, 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 of Fairhope approves the procurement of 876 Gas Pressure Regulators for the Gas Department for inventory to be purchased from M. T. Deason as Sole Source Provider in the State of Alabama and is the authorized Itron Gas Utility Distributor. The units must fit into our existing standardized system; and are exempt from formal bid pursuant to Code of Alabama 1975, Section 41-16-51(b)(7). The total cost will be \$26,222.76. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

RESOLUTION NO. 4233-21

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 876 Gas Pressure Regulators for the Gas Department for inventory to be purchased from M. T. Deason as Sole Source Provider in the State of Alabama and is the authorized Itron Gas Utility Distributor. The units must fit into our existing standardized system; and are exempt from formal bid pursuant to Code of Alabama 1975, Section 41-16-51(b)(7). The total cost will be \$26,222.76.

Adopted on this 11th day of October, 2021


Jack Burrell, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

11 October 2021

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has voted to purchase Two 2021 Chevrolet 2500HD 4x4 Silverado Trucks and Service Bodies for the Water and Sewer 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 with a total estimated cost of \$95,349.90. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

RESOLUTION NO. 4234-21

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 Two (2) 2021 Chevrolet 2500HD 4x4 Silverado Trucks and Service Bodies for the Water and Sewer 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:

Bid Number: T193A

2021 Chevrolet 2500 HD Extended Cab 4x4 Silverado Truck with Utility Body	Cost is \$46,744.45
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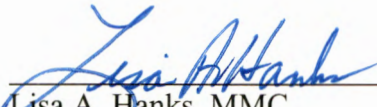
2021 Chevrolet 2500 HD Crew Cab 4x4 Silverado Truck with Utility Body	Cost is \$48,605.45
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The Total Estimated Cost is \$95,349.90

Adopted on this 11th day of October, 2021


Jack Burrell, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

11 October 2021

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 an unbudgeted Patch Management Software, ManageEngine Desktop Enterprise Edition for the IT Department; and the software is available for direct procurement through the OMNIA Partners Contract which has been nationally bid; and therefore, does not have to be let out for bid. The cost will be \$5,993.36. This software is to patch Windows, 3rd Party, and all Operating Systems as recommended by Warren Averitt Technology Group. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

RESOLUTION NO. 4235-21

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 an unbudgeted Patch Management Software, ManageEngine Desktop Enterprise Edition for the IT Department; and the software is available for direct procurement through the OMNIA Partners Contract which has been nationally bid; and therefore, does not have to be let out for bid. The cost will be \$5,993.36. This software is to patch Windows, 3rd Party, and all Operating Systems as recommended by Warren Averitt Technology Group.

Adopted on this 11th day of October, 2021


Jack Burrell, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has voted to procure Kronos Timekeeping System Maintenance Annual Renewal for December 30, 2021 to December 29, 2022 for the IT Department with a cost not to exceed \$25,246.08. This is a Sole Source service through Kronos; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13). Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

11 October 2021

RESOLUTION NO. 4236-21

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

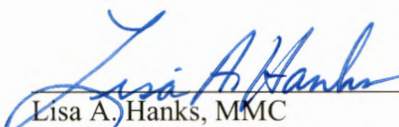
[1] That the City of Fairhope has voted to procure Kronos Timekeeping System Maintenance Annual Renewal for December 30, 2021 to December 29, 2022 for the IT Department with a cost not to exceed \$25,246.08. This is a Sole Source service through Kronos; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13).

Adopted on this 11th day of October, 2021



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 Fairhope City Council hereby accepts the Gift of One Artwork to the City of Fairhope from Stacey Howell: "Oak Trees" (a 29-7/8" x 40" Oil Painting on Canvas) valued at \$3,000.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4237-21

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the Fairhope City Council hereby accepts the Gift of One Artwork to the City of Fairhope from Stacey Howell: "Oak Trees" (a 29-7/8" x 40" Oil Painting on Canvas) valued at \$3,000.00.

Adopted on this 11th day of October, 2021



Jack Burrell, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

11 October 2021

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council hereby approves a one-time field use agreement with Blast Soccer to rent the Manley Soccer Complex for \$4,000.00 for its two-day 2021 Halloween Tournament. Standard damage and cleanup deposits are required and will be returned to Blast Soccer on the completion of the tournament as specified in the agreement. All other terms and conditions of Fairhope's standard field use agreement shall apply and are incorporated into the approved agreement. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

RESOLUTION NO. 4238-21

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby approves a one-time field use agreement with Blast Soccer to rent the Manley Soccer Complex for \$4,000.00 for its two-day 2021 Halloween Tournament. Standard damage and cleanup deposits are required and will be returned to Blast Soccer on the completion of the tournament as specified in the agreement. All other terms and conditions of Fairhope's standard field use agreement shall apply and are incorporated into the approved agreement.

DULY ADOPTED THIS 11TH DAY OF OCTOBER, 2021


 Jack Burrell, Council President

Attest:


 Lisa A. Hanks, MMC
 City Clerk

City Council reviewed an application for a Special Events License (Alcoholic Beverage License) by Thomas B. McGregor, d/b/a Top Shelf Bar Services, LLC, for the Fizzy Fest located 300 Fairhope Avenue, Fairhope, Alabama on October 24, 2021 from 11:00 a.m. to 2:00 p.m. Councilmember Martin moved to approve the issuance of the license. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

11 October 2021

City Council reviewed an application for a Restaurant Liquor License by Julie Tew for JLJ Ventures, LLC d/b/a Bay Breeze Café Bar Grill, located at 212-1/2 Fairhope Avenue, Fairhope, Alabama. Councilmember Martin moved to approve the issuance of the license. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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

- 1) Stephanie Durnin, 209 Hemlock Drive, addressed the City Council regarding the Fairhope Film Festival requiring guests to show proof of COVID vaccinations (COVID Card) or proof from their doctor said they could not get the vaccination for entry to the festival. She said this was against the law pursuant to Alabama Act No. 2021-493: prohibits private businesses from requiring vaccination or proof of vaccination as a condition form purchasing goods or service or obtaining admission to a private building. She requested the City Council to ask for their appropriation back. Mayor Sullivan said she did not know they were requiring that and would speak to them about this issue.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 6:36 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk