

STATE OF ALABAMA)
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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, 14 March 2022.

Present were Council President Jimmy Conyers, Councilmembers: Corey Martin, Jay Robinson, and Kevin Boone, Mayor Sherry Sullivan, City Attorney Marcus E. McDowell, and City Clerk Lisa A. Hanks. Councilmember Jack Burrell was absent.

There being a quorum present, Council President Conyers called the meeting to order. The invocation was given by Reverend De Freeman of St. James Episcopal Church and the Pledge of Allegiance was recited.

Council President Conyers stated there was a need to add on three agenda items after Agenda Item Number 15: a resolution that the City of Fairhope approves the procurement of Fels Park Fencing for the Recreation Department with a cost not-to-exceed \$19,361.00; a resolution that the City of Fairhope has voted to purchase a VTScada Services for the Electric Department, from Deep South Automation, LLC as Sole Source Distributor for Trihedral, Inc; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13) with the cost of \$9,700.00; and an application for Restaurant Liquor License by Sean C. Travis, Eastern Shore Street Treats LLC DBA Sean’s Prime Dining, 58 N. Section Street, Fairhope, AL.

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

Councilmember Robinson moved to approve minutes of the 4 March 2022, regular meeting. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

Mayor Sullivan addressed the City Council and reminded everyone of the Arts and Crafts Festival, Live at Five Concert, Junior City Council Project, and the Comprehensive Plan Meetings with conceptual view.

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14 March 2022

Chief Stephanie Hollinghead addressed the City Council regarding the promotions in the Police Department (“PD”): Captain John Hamrick (17 Years with PD), Lieutenant David Hall (17 years with PD), Sergeant Charles Varnado (15 years with PD), School Resource Officer Corporal Bunky Bishop (18 years with PD), Corporal Brett Dahlmann (7 years with PD), and Corporal Tyler Sellers (7 years with PD). Chief Hollinghead said the promotions were well deserved and they worked extremely hard for these positions.

Chief Hollinghead announced the Officer of the Quarter for the Fourth Quarter was Officer Roderick Bolden who is a School Resource Officer at Fairhope East. She said he always participates in “Shop with a Cop” and told the City Council what Ms. Broughton told her; about what Officer Bolden does for families.

The following individual spoke during Public Participation for Agenda Items:

- 1) Skip Jones, President for Fairhope Writing Center for the Writing Arts, Inc., addressed the City Council and explained its partnership with the City. He thanked the Mayor and City Council for the use of the Wolff Cottage; and mentioned the vast number of writers already booked to use it.

Councilmember Boone mentioned attending a Police Simulating Course and said he was shot twice. He stated the training was important and thanked the Police Department.

Councilmember Martin introduced in writing Ordinance No. 1747, an ordinance to declare that certain real property of the City of Fairhope (Writer’s Cottage at 9 North Section Street) for Fairhope Center for the Writing Arts, Inc. is not needed for public or municipal purposes in response to an offer to lease property to be used only as a center for the writing arts and in accordance with uses normally incident to hereto and for no other purpose; and it is hereby declared to be in the best interest of the public and the City of Fairhope, Alabama, to lease said real property to Fairhope Center for the Writing Arts, Inc. with a lease term of five years with an option to renew for an additional five years. Renewal shall only be valid on approval by City Council. In order to take immediate action, Councilmember Boone moved for immediate consideration. Seconded by Councilmember Martin, motion for immediate consideration passed unanimously by the following voice votes: AYE – Martin, Conyers, Robinson, and Boone. NAY – None. Councilmember Boone then moved for final adoption of Ordinance No. 1747. Seconded by Councilmember Robinson, motion for final adoption passed by the following voice votes: AYE – Martin, Conyers, Robinson, and Boone. NAY – None.

Council President Conyers announced Agenda Item Number 6 was pulled from the agenda.

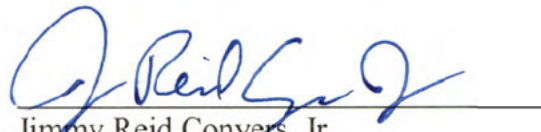
14 March 2022

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council hereby recognizes (Bid No. 013-22) Nix Center Commercial Glass Replacement received no bids; and allow this project to move forward by allowing the City to receive informal bids pursuant to Code of Alabama, Section 39-2-6. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4394-22

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council hereby recognizes (Bid No. 013-22) Nix Center Commercial Glass Replacement received no bids; and approves this project to move forward by allowing the City to receive informal bids pursuant to Code of Alabama, Section 39-2-6.

Adopted on this 14th day of March, 2022


Jimmy Reid Conyers, Jr.,
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 Council hereby recognizes (Re-Bid 011-22) Pecan Building Retrofitting and Remodeling for the Water and Sewer Department received no bids; and hereby approves this force account project for a not to exceed budget of \$60,000.00. The City would be responsible for HVAC, Electric Work, Interior Doors, Trim, and Finishes. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

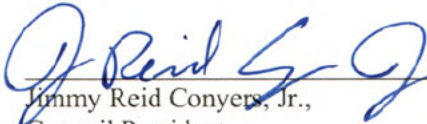
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14 March 2022

RESOLUTION NO. 4395-22

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council hereby recognizes (Re-Bid 011-22) Pecan Building Retrofitting and Remodeling for the Water and Sewer Department received no bids; and hereby approves this force account project for a not to exceed budget of \$60,000.00. The City would be responsible for HVAC, Electric Work, Interior Doors, Trim, and Finishes.

Adopted on this 14th day of March, 2022


Jimmy Reid Conyers, Jr.,
Council President

Attest:

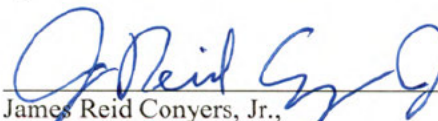


Lisa A. Hanks, MMC
City Clerk

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has voted to purchase one (1) 2022 Ford F-150 4x2 or equivalent for the Building Department; and the type of vehicle needed is on the Alabama State Department of Purchasing Contract Number #T193A and therefore does not have to be let out for bid. The cost not-to-exceed \$28,373.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

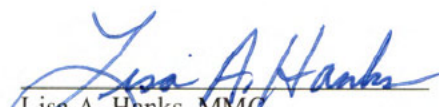
RESOLUTION NO. 4396-22

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City of Fairhope has voted to purchase one (1) 2022 Ford F-150 4x2 or equivalent for the Building Department; and the type of vehicle needed is on the Alabama State Department of Purchasing Contract Number #T193A and therefore does not have to be let out for bid. The cost not-to-exceed \$28,373.00.

Adopted on this 14th day of March, 2022


James Reid Conyers, Jr.,
Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

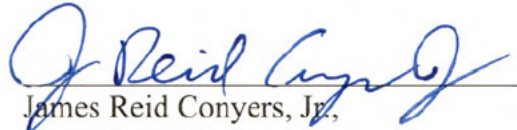
14 March 2022

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has voted to purchase one (1) Caterpillar BU118 Pickup Broom or equivalent for the Public Works Department; and the equipment is available for direct procurement through the Sourcewell Contract #032119-CAT which has been nationally bid; and therefore, does not have to be let out for bid. The cost will not-to-exceed \$5,646.00. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

RESOLUTION NO. 4397-22

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City of Fairhope has voted to purchase one (1) Caterpillar BU118 Pickup Broom or equivalent for the Public Works Department; and the equipment is available for direct procurement through the Sourcewell Contract #032119-CAT which has been nationally bid; and therefore, does not have to be let out for bid. The cost will not-to-exceed \$5,646.00.

Adopted on this 14th day of March, 2022


James Reid Conyers, Jr.,
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 approve the procurement of a System Upgrade Agreement II Astro System Advanced Plus Package for the Police Department from Motorola Solutions as sole source distributor; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13). The cost will not-to-exceed \$29,391.07. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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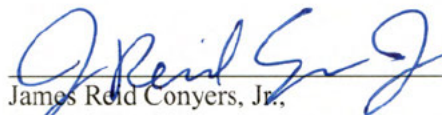
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14 March 2022

RESOLUTION NO. 4398-22

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City of Fairhope has voted to approve the procurement of a System Upgrade Agreement II Astro System Advanced Plus Package for the Police Department from Motorola Solutions as sole source distributor; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13). The cost will not-to-exceed \$29,391.07.

Adopted on this 14th day of March, 2022


James Reid Conyers, Jr.,
Council President

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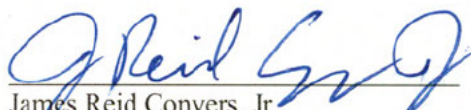

Lisa A. Hanks, MMC
City Clerk

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is hereby authorized to execute a contract with Garver, LLC for Professional Engineering Services for Headworks Design and Treatment Needs for the Water and Wastewater Department (RFQ No. PS008-22) with a not-to-exceed amount of \$24,859.00. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

RESOLUTION NO. 4399-22

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Sherry Sullivan is hereby authorized to execute a contract with Garver, LLC for Professional Engineering Services for Headworks Design and Treatment Needs for the Water and Wastewater Department (RFQ No. PS008-22) with a not-to-exceed amount of \$24,859.00.

DULY ADOPTED THIS 14TH DAY OF MARCH, 2022


James Reid Conyers, Jr.,
Council President

Attest:


Lisa A. Hanks, MMC
City Clerk


14 March 2022

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is hereby authorized to execute Amendment No. 3 to the Contract for Professional Engineering Services with Stewart Engineering, Inc. to Upgrade Fairhope Electric Substations and Distribution Circuitry for RFQ No. PS029-17 to modify Design Engineering work associated with the Distribution Feeder Design along Nichols Avenue and School Street, and along Young Street and Morphy Avenue, to reduce tree trimming along Nichols Avenue and School Street; and approves the contract ending date to be extended to March 31, 2023. This additional cost not-to-exceed \$20,000.00 will increase the total value of the engineering work to \$806,812.50. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

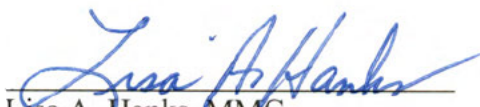
RESOLUTION NO. 4400-22

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Sherry Sullivan is hereby authorized to execute Amendment No. 3 to the Contract for Professional Engineering Services with Stewart Engineering, Inc. to Upgrade Fairhope Electric Substations and Distribution Circuitry for RFQ No. PS029-17 to modify Design Engineering work associated with the Distribution Feeder Design along Nichols Avenue and School Street, and along Young Street and Morphy Avenue, to reduce tree trimming along Nichols Avenue and School Street; and approves the contract ending date to be extended to March 31, 2023. This additional cost not-to-exceed \$20,000.00 will increase the total value of the engineering work to \$806,812.50.

DULY ADOPTED THIS 14TH DAY OF MARCH, 2022


James Reid Conyers, Jr.,
Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

Councilmember Robinson moved to appoint Debra Langham to the Library Board for a 4-year term which will expire March 2026. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

14 March 2022

Councilmember Boone moved to appoint Mikeal Donald and to reappoint Scott Douglass, Chris Cunningham, Skip Jones and Robert Barry to the Harbor Board for a 4-year term which will expire March 2026. Seconded by Councilmember Robinson, 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 Fels Park Fencing for the Recreation Department with a cost not-to-exceed \$19,361.00. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

RESOLUTION NO. 4401-22

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 Fels Park Fencing for the Recreation Department with a cost not-to-exceed \$19,361.00.

Adopted on this 14th day of March, 2022


James Reid Conyers, Jr.
Council President

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 of Fairhope has voted to purchase a VTScada Services for the Electric Department, from Deep South Automation, LLC as Sole Source Distributor for Trihedral, Inc; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13) with the cost of \$9,700.00. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

14 March 2022

RESOLUTION NO. 4402-22

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City of Fairhope has voted to purchase a VTScada Services for the Electric Department, from Deep South Automation, LLC as Sole Source Distributor for Trihedral, Inc; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13) with the cost of \$9,700.00.

Adopted on this 14th day of March, 2022


James Reid Conyers, Jr.
Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

City Council reviewed an application for a Restaurant Liquor License by Sean C. Travis, Eastern Shore Street Treats LLC DBA Sean's Prime Dining, 58 N. Section Street, Fairhope, AL. Councilmember Robinson moved to approve the issuance of the license. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

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 Section 36-25A-7(a)(3) to discuss legal ramifications of and legal options for 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 6:30 p.m. Returned at 6:55 p.m.

Council President Conyers stated there was a need to add on an agenda item and read the following resolution prepared by City Attorney McDowell: that Mayor Sherry Sullivan is hereby authorized to execute any and all confidential settlement documents related to the business license tax refund litigation between the City of Fairhope and USAA, USAA Casualty, USAA General Indemnity and Garrison.

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

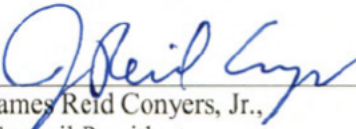
14 March 2022

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is hereby authorized to execute any and all confidential settlement documents related to the business license tax refund litigation between the City of Fairhope and USAA, USAA Casualty, USAA General Indemnity and Garrison. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

RESOLUTION NO. 4403-22

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Sherry Sullivan is hereby authorized to execute any and all confidential settlement documents related to the business license tax refund litigation between the City of Fairhope and USAA, USAA Casualty, USAA General Indemnity and Garrison.

Adopted on this 14th day of March, 2022



James Reid Conyers, Jr.,
Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

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 6:56 p.m.


James Reid Conyers, Jr.,
Council President


Lisa A. Hanks, MMC
City Clerk