

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 June 2022.

Present were Council President Jimmy Conyers, Councilmembers: Jack Burrell, Corey Martin (arrived at 6:16 p.m.), and Kevin Boone, Mayor Sherry Sullivan, City Attorney Marcus E. McDowell, and City Clerk Lisa A. Hanks. Councilmember Jay Robinson was absent.

There being a quorum present, Council President Conyers called the meeting to order at 6:05 p.m. The invocation was given by Kyle Parker, Senior Pastor of Easter Shore Presbyterian Church, and the Pledge of Allegiance was recited.

Council President Conyers stated there was a need to add on an agenda item after Agenda Item Number 14: Site Plan Review and Approval – Request of PSGC Properties for Site Plan approval of Alpha Care, a single-unit clinic. The property is zoned PUD and is approximately 1.11 acres and is located on the eastern side of Greeno Road and lies south of Gayfer Avenue. The PUD, known as the Greeno Professional Village PUD, requires a mandatory Site Plan review for each lot. (SR 22.05); and to either pull or table Agenda Item No. 12: Resolution that all soccer recreational and intramural activities shall be run and operated by the City’s Recreation Department through all volunteer leagues starting June 30, 2022 including concessions for Manley and Founders.

Councilmember Burrell moved to add on the above-mentioned item not on the printed agenda and to remove Agenda Item No. 12. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Burrell moved to approve minutes of the 13 June 2022, regular meeting; and minutes of the 13 June 2022. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Mayor Sullivan addressed the City Council and reminded everyone of the Fourth of July Celebration. She thanked the City Council for Agenda Item No. 11 and their willing to give employees these increases. Mayor Sullivan mentioned the water conservation and stickers will be placed on garbage cans in the City limits as a reminder.

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The following individuals spoke during Public Participation for Agenda Items:

- 1) Jim Pech, 413 Azalea, addressed the City Council regarding Agenda Item No. 7: a resolution, that the City Council of the City of Fairhope hereby officially declares a "Water Emergency" pursuant to Ordinance No. 1682; and authorizes Mayor Sherry Sullivan to implement any or all of the Phases: Phase I - Water Alert, Phase II - Water Warning, and Phase III - Water Emergency to avoid further strain on our infrastructure and to protect health, safety, and welfare of the City of Fairhope Water System users. He questioned how far the City's water system goes; and asked about how the City would get word out to all users. Mayor Sullivan replied this is voluntary for City limits and anyone on City water.
- 2) Charlotte Bouzigard, 755 Michigan Avenue (Ingleside Heights), addressed the City Council regarding subdivision requests on Nichols and Ingleside and across bridge near Fish River. Ms. Bouzigard said she thought there was a moratorium in place and why is she seeing yellow signs up for new developments. She told the City Council she hopes they do not have ulterior motives with developers.

Planning Director Hunter Simmons said the moratorium is for 12 months only; and still building from others already approved.

Councilmember Burrell said he had no conflicts of interest in the City of Fairhope. He gave an update on the Eastern Shore Metropolitan Planning Organization. Councilmember Burrell said he and Mayor Sullivan represent the City of Fairhope. He commented ALDOT agreed to allow a toll free route across the Mobile Bay via the Mobile Causeway and the Africatown Bridge. He said ALDOT would be in charge of the tolls: \$2.50 one way or \$40.00 unlimited monthly pass.

Councilmember Martin thanked Mayor Sullivan, Parks and Recreation Director Pat White, and Councilmember Boone for attending the Juneteenth Celebration. He also thanked Mayor Sullivan and 3 Circle Church for the landscaping.

Councilmember Boone commented he too had no conflicts of interest in the City of Fairhope. He told everyone to have a safe and healthy Fourth of July.

Council President Conyers reiterated Councilmember Boone's comments; for everyone to have a safe and healthy Fourth of July.

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Councilmember Burrell moved for final adoption of Ordinance No. 1751, an ordinance to amend Ordinance No. 1253 and to change and alter the City of Fairhope Zoning Ordinance to revise (Table 3-1, Use Table). Zoning District B-3a shall be amended to allow a Hotel/Motel use permitted only on appeal and subject to special conditions. Zoning District B-3b shall be amended to allow a Bed & Breakfast use permitted only on appeal and subject to special conditions; and change a Hotel/Motel from a use permitted subject to general ordinance standards and conditions to use permitted only on appeal and subject to special conditions. (Introduced at the June 13, 2022 City Council Meeting) The motion was seconded by Councilmember Martin who asked Mr. Simmons to explain by right and appeals process. After further discussion, motion for final adoption passed by the following voice votes: AYE – Burrell, Martin, Conyers, and Boone. NAY - None.

Councilmember Burrell moved to approve the 180 day extension by FST Magnolia/Church, LLC of the Site Plan approval of Magnolia and Church Mixed Use Development, a 10-unit project that was granted on July 12, 2021 located at the northeast corner of the intersection of Magnolia Avenue and Church Street, at 301 Magnolia Avenue (SR 20.02). PPIN #: 15164. The Site Plan 180-day extension would expire on January 8, 2023. The motion was seconded by Councilmember Boone. Councilmember Burrell questioned the extension and if the developer could change the site plan. He said we need to settle development down. Mr. Simmons said the moratorium is only outside City limits. After further discussion, 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 of the City of Fairhope hereby officially declares a “Water Emergency” pursuant to Ordinance No. 1682; and authorizes Mayor Sherry Sullivan to implement any or all of the Phases: Phase I - Water Alert, Phase II - Water Warning, and Phase III - Water Emergency to avoid further strain on our infrastructure and to protect health, safety, and welfare of the City of Fairhope Water System users. The motion was seconded by Councilmember Martin. Mayor Sullivan commented passing the resolution gives authority to implement Phase 2 and Phase 3 if needed. She said right now it is voluntary only; and it gives the City time to look at our practices for water conservation. She said the hours at the splash pad have been reduced and we are looking at ways to reclaim this water. Mayor Sullivan said we have plenty of water but need access to our wells and larger water lines.

Councilmember Burrell said this resolution would only approve the trigger points and has to be seven consecutive days before initiating the Phase. Councilmember Martin said this is just a preventive measure. Councilmember Boone commented last year we did the same thing for water conservation. Councilmember Burrell commented we have water in the City limits and in our water jurisdiction. After further discussion, motion passed unanimously by voice vote.

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RESOLUTION NO. 4483-22

WHEREAS, the City of Fairhope adopted Ordinance No. 1682: 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; and

WHEREAS, the City Council, due to the emergency circumstances with the water consumption by users of the City of Fairhope Water System requiring immediate action to avoid further strain on our infrastructure and to protect health, safety, and welfare of the these users, is desirous on declaring a "Water Emergency" pursuant to Ordinance No. 1682; and to authorize the Mayor to implement any or all of the Phases: Phase I Water Alert, Phase II Water Warning, and Phase III Water Emergency; and

WHEREAS, Phase I, the Water Alert Phase, has been in effect which is a voluntary phase to limit the amount of water to the amount that is absolutely necessary for health, business, and outdoor use. However the water demand is still rising daily; and

WHEREAS, Phase II and Phase III require the City Council to declare an emergency before the Mayor can implement these two mandatory phases.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 27, 2022, as follows: the City Council of the City of Fairhope hereby officially declares a "Water Emergency" pursuant to Ordinance No. 1682; and authorizes the Mayor to implement any or all of the Phases: Phase I - Water Alert, Phase II - Water Warning, and Phase III - Water Emergency to avoid further strain on our infrastructure and to protect health, safety, and welfare of the City of Fairhope Water System users.

ADOPTED AND APPROVED THIS 27TH DAY OF JUNE, 2022


James Reid Conyers, Jr.,
Council President

Attest


Lisa A. Hanks, MMC
City Clerk

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope authorizes submission of FY 2023 Transportation Alternatives Set-Aside Program (TAP) Grant application to ALDOT to construct new pedestrian facilities in Fairhope and; authorizes Mayor Sherry Sullivan to sign all required documents on behalf of the City. Total projected estimated costs not-to-exceed \$999,092.00 (80/20 match; City's estimate not-to-exceed \$199,819.00). Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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RESOLUTION NO. 4484-22

**AUTHORIZING THE SUBMISSION OF AN FY 2023
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 2023 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;

WHEREAS, the total project cost is estimated at \$999,092.00, and if funded, the grant will pay 80% or \$799,273.00 and the City of Fairhope will be responsible for providing 20% or \$199,819.00; and


WHEREAS, if funded, the City will be responsible for 100% of the Preliminary Survey, Engineering and Design (PE) at an estimated cost of \$83,000.00; 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;

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 JUNE, 2022



 James Reid Conyers, Jr.
 Council President

Attest:



 Lisa A. Hanks, MMC
 City Clerk

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Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the procurement for labor for the replacement of the Eastside Drainage at the Municipal Football Stadium by Asphalt Services, Inc. for a total cost not-to-exceed \$27,610.00 with the City supplying materials. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4485-22

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


[1] That the City of Fairhope did request and receive RFQs for Labor for the Replacement of the Eastside Drainage at the Municipal Football Stadium which shall include mobilization, replacing pipe, and grading the inlet; for the Public Works Department at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[2] After evaluating the quotes, the City of Fairhope approves the procurement for Labor for the Replacement of the Eastside Drainage at the Municipal Football Stadium by Asphalt Services, Inc. in the amount of \$27,610.00 with the City supplying materials.

Adopted on this 27th day of June, 2022


James Reid Conyers, Jr.,
Council President

Attest



Lisa A. Hanks, MMC
City Clerk

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the procurement for labor for the Creek Drive Asphalt Road Repair by Asphalt Seal Coatings & Concrete, Inc. for a total cost not-to-exceed \$7,100.00 with the City supplying materials. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

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RESOLUTION NO. 4486-22

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

[1] That the City of Fairhope did request and receive RFQs for Labor for the Creek Drive Asphalt Road Repair which shall include saw cutting, grade work and removing unsatisfactory materials, plus rolling and paving; for the Public Works Department at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[2] After evaluating the quotes, the City of Fairhope approves the procurement for Labor for the Creek Drive Asphalt Road Repair by Asphalt Seal Coatings & Concrete, Inc. in the amount of \$7,100.00 with the City supplying materials.

Adopted on this 27th day of June, 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 Council approves and adopts the following recommendations received by the Government & Economic Development Institute (GEDI) with Auburn University, the Fairhope Personnel Board, and Mayor Sullivan for pay increases for City Employees: (1) Auburn and Personnel Board recommendations [94,871.70]; 5% Across the Board for all employees (full-time, part-time, and seasonal); Probational employees will receive 5% after probation period; \$1.00 to any General Government Employee who makes less than \$15.00 (after the 5% increase) and \$1.00 to any Utility Employee who makes less than \$18.00 (after the 5% increase) [Total of 23 Employees – \$12,040.00]; and \$1.00 increase will not be given to seasonal employees or any part-time employee who has employed less than 5 years.

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The motion was seconded by Councilmember Boone. Councilmember Burrell said they moved the scale up to try to help employees now and not until after the budget is adopted. Mayor Sullivan commented merit increases will not be across the board but will be based truly on merit. After further discussion, motion passed unanimously by voice vote.

RESOLUTION NO. 4487-22

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council approves and adopts the following recommendations received by the Government & Economic Development Institute (GEDI) with Auburn University, the Fairhope Personnel Board, and Mayor Sherry Sullivan for pay increases for City Employees:

- 1) Auburn and Personnel Board recommendations [\$94,871.70];
- 2) 5% Across the Board for all employees: full-time, part-time, and seasonal;
- 3) Probational employees will receive 5% after probation period;
- 4) \$1.00 to any General Government Employee who makes less than \$15.00 (after the 5% increase) and \$1.00 to any Utility Employee who makes less \$18.00 (after the 5% increase) [Total of 23 Employees - \$12,040.00];
- 5) \$1.00 increase will not be given to seasonal employees or any part-time employee who has been employed less than 5 years.

ADOPTED THIS 27TH DAY OF JUNE, 2022


James Reid Conyers, Jr.,
Council President

ATTEST:


Lisa A. Hanks, MMC
City Clerk

Councilmember Burrell moved to grant the request of Lisa Dahle on behalf of Trinity Presbyterian Church requesting permission to use site location between Fairhope Pier and Duck Pond (North Beach – Loop) for Drive Thru Nativity Scene depicting the Christmas Story on December 11, 2022 from 5:00 p.m. – 7:00 p.m. The setup of scenes will be required that afternoon the day of event and the take down of scenes immediately after the last car drives through.

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Electricity requested for event, if not available can provide their own generators. Public restrooms availability. The motion was seconded by Councilmember Martin. Councilmember Burrell stated the Fairhope Single Tax Corporation gave the City Park on the South end of the Municipal Pier and Henry George Park and allowed to be rented. City Attorney Marcus McDowell addressed the City Council and stated the City is not promoting or participating in this event and the park is being rented. Mr. McDowell said if they were using South Park or Henry George Park, they would not need City Council approval. After further discussion, motion passed unanimously by voice vote.

Councilmember Burrell moved to appoint Darrel Williams to the Fairhope Environmental Advisory Board for a four-year term which will expire June 2026. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

Planning Director Hunter Simmons addressed the City Council to explain the Site Plan Review of property owned by PSGC Properties for Site Plan approval of Alpha Care, a single-unit clinic. The property is zoned PUD and is approximately 1.11 acres and is located on the eastern side of Greeno Road and lies south of Gayfer Avenue. The PUD, known as the Greeno Professional Village PUD, requires a mandatory Site Plan review for each lot. (SR 22.05). PPIN #: 913 (Planning Commission unanimously voted to recommend City Council approve SR 22.05). Staff recommends conditional approval with one condition: Clinic use shall be approved by the Board of Adjustments.

Councilmember Burrell moved to approve the Site Plan property owned by PSGC Properties listed above. Seconded by Councilmember Martin, motion passed unanimously by voice vote. Councilmember Martin did asked Mr. Simmons if a State Certificate of Need was required; and Mr. Simmons said no.

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

- 1) Queen Watson, 2815 Bishop Road, addressed the City Council regarding the garbage fee assessed even when she does not have garbage pickup from the City of Fairhope. She stated that there are 48 units at this Senior Citizen Apartment Complex and all residents are renting based on their income. She said we are all paying \$20.00 per month for garbage service that we do not get. Mayor Sullivan explained the garbage service ordinance; and said it needed to be amended. She commented we need to allow income-based residents (social security) to prove their income and have a policy to help with or waive the garbage fee. Mayor Sullivan said we would work with City staff to monitor this issue. The consensus of the City Council was to move for with amending the ordinance to help these citizens. Councilmember Burrell suggested raising the amount for businesses.

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- 2) Charlotte Bouzigard, 755 Michigan Avenue (Ingleside Heights) addressed the City Council and asked was the City of Fairhope going to reimburse these citizens for the months they have paid. Council President Conyers told Ms. Bouzigard that this was an ordinance adopted and in place, and until it was amended, we must abide by it.

Councilmember Burrell 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 7:15 p.m.



James Reid Conyers, Jr.,
Council President



Lisa A. Hanks, MMC
City Clerk