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, 25 July 2022.

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

There being a quorum present, Council President Pro Tempore Robinson called the meeting to order. The invocation was given by Reverend Sirmon Forbes, Associate Priest of St. James Episcopal Church, and the Pledge of Allegiance was recited. Councilmember Burrell moved to approve minutes of the 11 July 2022, regular meeting; and minutes of the 11 July 2022, work session. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Mayor Sullivan addressed the City Council regarding the following items:

- 1) Fairhope Avenue Project should be opened for school;
- 2) Nichols Substation is up and running; and thanked Electric Superintendent Conrad Havranek and staff;
- 3) Happy Birthday to Council President Conyers whose birthday is tomorrow;
- 4) Back to School Event is Wednesday from 4:00 p.m. to 6:00 p.m. at Fairhope United Methodist Church.

The following individual spoke during Public Participation for Agenda Items:

 Charlotte Bouzigard, 755 Michigan Avenue (Ingleside Heights), addressed the City Council regarding Agenda Item Number 9: Site Plan Review and Approval of 309 South Ingleside for a Mixed-Use Development. She said this is a historical site owned by Nancy Lewis; and should have an historical marker. Ms. Bouzigard said the green columns would make a garden or fountain pretty.

Councilmember Burrell moved for final adoption of Ordinance No. <u>1752</u>, an ordinance to amend Zoning Ordinance No. <u>1253</u>; and to zone Corte Rockwell Place, LLC to B2 General Business District, concurrent with conditional annexation into the City of Fairhope. The property is approximately 34.41 acres and is located at 22148 State Highway 181. PPIN Number: 108453. (Introduced on July 11, 2022 at the City Council Meeting) Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE - Burrell, Robinson, and Boone. NAY - None.

Councilmember Boone moved for final adoption of Ordinance No. 1753, an ordinance to change and alter the City of Fairhope Zoning Ordinance to revise, Article III, Section B. Table 3-1, Use Table, be amended as Zoning District M-1 to allow a Kennel or Animal Hospital use permitted only on appeal and subject to special conditions. (Introduced on July 11, 2022 at the City Council Meeting) Seconded by Councilmember Burrell, motion for final adoption passed by the following voice votes: AYE - Burrell, Robinson, and Boone. NAY - None. Councilmember Burrell commented the Industrial Development Board voted unanimously for this amendment.

Councilmember Burrell moved for final adoption of Ordinance No. <u>1754</u>, an ordinance to repeal Ordinance No. <u>1012</u> and repeal and replace Ordinance No. <u>1254</u> known as the "City of Fairhope Right-of-Way Construction and Administration Ordinance." (Introduced on July 11, 2022 at the City Council Meeting) Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE - Burrell, Robinson, and Boone. NAY - None.

Councilmember Burrell moved for final adoption of Ordinance No. <u>1755</u>, an ordinance to amend Ordinance No. <u>1510</u> Known as the Personnel Rules, Policies and Procedures Ordinance by adding Section 3.06 Hurricane Operations Plan for City Employees. (Introduced on July 11, 2022 at the City Council Meeting) Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE - Burrell, Robinson, and Boone. NAY - None.

Planning Director Hunter Simmons addressed the City Council to explain the Site Plan Review of property owned by WCTT Properties LLC for Site Plan Approval of 309 South Ingleside. The property is located at the northeast corner of Nichols Avenue and South Ingleside Street, Fairhope, Alabama for a proposed Mixed-Use Development. PPIN Number: 25788. (Planning Commission unanimously voted to recommend City Council approve SR 22.06.)

Councilmember Burrell moved to approve the Site Plan property owned by WCTT Properties LLC listed above. The motion was seconded by Councilmember Boone. Councilmember Burrell said he hates to see loss of historical structure but likes the design and project for this location. He commented sometimes we are told one thing and then it changes. Councilmember Burrell agreed with Ms. Bouzigard to put an historical marker on this property. 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 of Fairhope supports the Alabama Department of Transportation's application for a Bridge Investment Program Grant and any other sources of federal funding that may become available. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

RESOLUTION NO. 4503-22

A RESOLUTION OF THE CITY OF FAIRHOPE SUPPORTING THE ALABAMA DEPARTMENT OF TRANSPORTATION'S BRIDGE INVESTMENT PROGRAM GRANT APPLICATION TO ASSIST IN FUNDING I-10 MOBILE RIVER BRIDGE AND BAYWAY PROJECT

WHEREAS, Interstate 10 is a major East-West corridor for commercial and personal vehicles, and is the only interstate highway that connects the East Coast, West Coast, and Gulf Coast of the United States; and

WHEREAS, the portion of Interstate 10 connecting Mobile and Baldwin Counties was initially built for 30,000 vehicles per day, but now services more than 100,000 vehicles on peak days, with traffic volumes growing steadily and continuously; and

WHEREAS, Mobile and Baldwin Counties are home to significant industry, whose workforce and suppliers rely on Interstate 10 to safely move people and goods across Mobile Bay; and

WHEREAS, the Port of Mobile, the Mobile International Airport, and numerous multimodal hubs all are located on Mobile Bay and frequently utilize Interstate 10 helping to stimulate and drive the economy of Mobile and Baldwin Counties, the State of Alabama and the entire Gulf Coast region; and

WHEREAS, traffic and congestion on Interstate 10 will continue to increase, with negative effects on public safety, commerce, and mobility in the region, if no action is taken; and

WHEREAS, the City of Fairhope agrees on the need for a new bridge over the Mobile River and Mobile Bay and a framework to achieve this goal; and

WHEREAS, the City of Fairhope recognizes that President Biden and Congress conceived and enacted the Infrastructure Investment and Jobs Act (IIJA), which includes a new discretionary grant program designed to address infrastructure challenges of this type and magnitude; and

WHEREAS, the U.S. Department of Transportation is committed to improving our nation's infrastructure through the Bridge Investment Program Grant Opportunity, or "BIP Grant" program; and

WHEREAS, this program can be a key funding component to address this crucial infrastructure need of local, regional, and national importance.

THEREFORE, BE IT RESOLVED that the City of Fairhope supports the Alabama Department of Transportation's application for a Bridge Investment Program Grant and any other sources of federal funding that may become available; and

ADOPTED AND APPROVED THIS THE 25TH OF JULY, 2022

Jay Robinson

Council President Pro Tempore

Attest:

Lisa A. Hanks, MMC

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City Clerk

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope does hereby consent and agree to the transfer and assignment of the Lease held by Ricci Company, LLC or its affiliate, SHUX, LLC (the "Gambino Entity") to TBT Fairhope, LLC. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4504-22

WHEREAS, the City of Fairhope has an executed Municipal Lease with Fairhope Yardarm Restaurant and Marina, Inc. for that portion of the Fairhope Municipal Pier upon which the Yardarm Restaurant and building, deck, and the marina potion of the Fairhope Municipal Pier now known as the Fairhope Marina are presently situated (the "Lease"); and

WHEREAS, the City of Fairhope consented and agreed to the transfer and assignment of the Lease from Fairhope Yardarm Restaurant and Marina, Inc. to Ricci Company, LLC or its affiliate, SHUX, LLC (the "Gambino Entity") via Resolution No. 2312-15 that was adopted on January 12, 2015; and

WHEREAS, the Gambino Entity desires to transfer and assign the Lease to TBT Fairhope, LLC, who has a contract to purchase the restaurant and the leasehold interest; and Section 6 of the Lease reads:

Lessee may not assign or transfer this lease, or any interest herein, without the written consent of Lessor, but the Lessor will not unreasonably withhold its consent to said transfer. Lessee shall have the right to assign or transfer this lease, or any interest herein, for such consideration and under such terms as may be deemed reasonable and appropriate to the Lessee, with the written consent of the Lessor. Lessee shall have the right to sublet a portion of the premises leased herein as Lessee sees fit, provided lease complies with all City ordinances and State laws applicable hereto, and further provided Lessee obtains the written consent of Lessor. Neither this lease nor the leasehold estate of Lessee nor any interest of Lessee hereunder in the demised premises or any buildings or improvements thereon shall be subject to involuntary assignment, transfer, or sale or to assignment, transfer or sale by operation of law in any manner whatsoever. The ownership of the existing Restaurant building, including the deck and all additions and improvements thereto will belong to the Lessor at the end of the lease period.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope does hereby consent and agree to the transfer and assignment of the Lease from the Gambino Entity to TBT Fairhope, LLC.

DULY ADOPTED THIS 25TH DAY OF JULY, 2022

Jay Robinson

Council President Pro Tempore

Attest:

Lasa A. Hanks, M

A Hank

City Clerk

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that City Council hereby approves an extension of Sewer Main Point Repair and Bypass Connections (Bid 009-19) to W.R. Mitchell Contractor for the following projects: St. Michael's Way, Bancroft, and Mannich Court until September 30, 2022. The extension is due to COVID-19, rain delays, and labor shortage. The current rate of the contract will remain the same and the contractor bond will not be called. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4505-22

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that City Council hereby approves an extension of Sewer Main Point Repair and Bypass Connections (Bid 009-19) to W.R. Mitchell Contractor for the following projects: St. Michael's Way, Bancroft, and Mannich Court until September 30, 2022. The extension is due to COVID-19, rain delays, and labor shortage. The current rate of the contract will remain the same and the contractor bond will not be called.

Adopted on this 25th day of July, 2022

Jay Robinson

Council President Pro Tempore

Attest:

Lisa A. Hanks, MN

City Clerk

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council awards (Bid No. 019-22) Water Treatment Plant No. 3 Expansion for the Water and Wastewater Department to The Creel Company for a total cost not-to-exceed \$7,589,893.00. Funding of the award for the FY22 Budget is \$3,000,000.00 and the proposed FY23 Budget is \$4,589,893.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. <u>4506-22</u>

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

[1] That the City of Fairhope did request, receive, and open bids to procure services for (Bid No. 019-22) Water Treatment Plant No. 3 Expansion for the Water and Sewer Department at 555 South Section Street, in the City of Fairhope offices, Fairhope, Alabama.

[2] At the appointed time and place, bids were received and tabulated as follows:

	CONTRACTOR	BASE BID	ALT. NO. 1	ALT. NO. 2
T	he Creel Company, Inc.	\$6,930,157.00	\$463,021.00	\$196,715.00
R	obert J. Baggett, Inc.	\$8,325,414.00	\$426,570.00	\$228,235.00

[3] At the appointed time and place; after evaluating the bids with the required specifications, The Creel Company is now awarded (Bid No. 019-22) Water Treatment Plant No. 3 Expansion for the Water and Sewer Department for a total cost not-to-exceed \$7,589,893.00. Funding of the award for the FY22 Budget is \$3,000,000.00 and the proposed FY23 Budget is \$4,589,893.00.

ADOPTED ON THIS 25TH DAY OF JULY, 2022

Jay Robinson

Council President Pro Tempore

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 awards (Bid No. 027-22) Arts Alley Downtown Transit Hub for the Public Works Department to RH Deas Building Co., LLC with a total bid proposal of \$1,687,711.00; and a General Fund Balance Transfer to cover additional cost subject to funding approval from FTA and ESMPO. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

RESOLUTION NO. 4507-22

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

- [1] That the City of Fairhope did request, receive, and open bids for Arts Alley Downtown Transit Hub for the Public Works Department (Bid No. 027-22) at 555 South Section Street, in the City of Fairhope offices, Fairhope, Alabama.
- [2] At the appointed time and place, bids were received and tabulated as follows:

RH Deas Building Co., LLC

\$1,687,711.00

[3] After evaluating the bids with the required specifications, RH Deas Building Co., LLC with a total bid proposal of \$1,687,711.00 is now awarded (Bid No. 027-22) Arts Alley Downtown Transit Hub for the Public Works Department. Project was budgeted at \$1,152,950.00; and a General Fund Balance Transfer to cover additional cost subject to funding approval from FTA and ESMPO.

ADOPTED ON THIS 25TH DAY OF JULY, 2022

Jay Robinson

Council President Pro Tempore

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 has voted to procure an Offsite Data Backup System from Cspire Datacenter to replace the service the City currently uses for the IT Department; system is on contract through the National Cooperative Purchasing Alliance (NCPA) Contract Number #01-97, therefore, does not have to be let out for bid. The annual cost for product and service not-to-exceed \$39,680.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4508-22

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City of Fairhope has voted to procure an Offsite Data Backup System from Cspire Datacenter to replace the service the City currently uses for the IT Department; the system is on contract through the National Cooperative Purchasing Alliance (NCPA) Contract Number #01-97, and therefore does not have to be let out for bid. The annual cost for product and service not-to-exceed \$39,680.00.

Adopted on this 25th day of July, 2022

Jay Robinson

Council President Pro Tempore

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 has voted to procure a Bush Hog TDC1200 Finishing Mower (Batwing Mower) or equivalent for the Quail Creek Golf Course; and the equipment is available for direct procurement through the Sourcewell Contract which has been nationally bid; and therefore, does not have to be let out for bid. The total cost will be \$25,300.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4509-22

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City of Fairhope has voted to procure a Bush Hog TDC1200 Finishing Mower (Batwing Mower) or equivalent for the Quail Creek Golf Course; and the equipment is available for direct procurement through the Sourcewell Contract which has been nationally bid; and therefore, does not have to be let out for bid. The total cost will be \$25,300.00.

Adopted on this 25th day of July, 2022

Jay Robinson

Council President Pro Tempore

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 has voted to procure VirTra-Virtual Interactive Coursework and Training Academy™ (certified simulator training curriculum) for the Police Department from VirTra 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 be \$68,612.74. The motion was seconded by Councilmember Boone who commented this is extremely important. Mayor Sullivan said you can do a layout of one of our buildings; and then do a simulator class. After further discussion, motion passed unanimously by voice vote.

RESOLUTION NO. 4510-22

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 VirTra-Virtual Interactive Coursework and Training AcademyTM (certified simulator training curriculum) for the Police Department from VirTra 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 be \$68,612.74.

Adopted on this 25th day of July, 2022

Jay Robinson

Council President Pro Tempore

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 of an Altec Truck Model LR860-E70 with an Overcenter Articulating Aerial Device (Insulated) for the Electric Department; and the truck is available for direct procurement through the Sourcewell Contract which has been nationally bid; and therefore, does not have to be let out for bid. The total cost will be \$221,357.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4511-22

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City of Fairhope approves the procurement of an Altec Truck Model LR860-E70 with an Overcenter Articulating Aerial Device (Insulated) for the Electric Department; and the truck is available for direct procurement through the Sourcewell Contract which has been nationally bid; and therefore, does not have to be let out for bid. The total cost will be \$221,357.00.

ADOPTED ON THIS 25TH DAY OF JULY, 2022

Jay Robinson

Council President Pro Tempore

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 of Roof Repairs for two (2) Buildings at the Quail Creek Golf Course Maintenance Area for this Public Works project to Roof Doctors with a total amount not-to-exceed \$12,150.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4512-22

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 procurement of roof repairs for two (2) buildings at the Quail Creek Golf Course Maintenance Area for the Public Works Department at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.
- [2] After evaluating three (3) quotes, the City of Fairhope approves the procurement for roof repairs for two (2) buildings at the Quail Creek Golf Course Maintenance Area to Roof Doctors with the lowest quote of \$12,150.00 with a not-to-exceed.

Adopted on this 25th day of July, 2022

Jay Robinson

Council President Pro Tempore

Attest:

Lisa A. Hanks, MN

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 Upgrades to Visitor's Side of the Municipal Football Stadium by MH McLaughlin, LLC in the amount of \$21,360.00 plus \$13,500.00 Materials for a total of \$34,860.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4513-22

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 Upgrades to Visitor's Side of the Municipal Football Stadium plus Materials for the Recreation 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 Upgrades to Visitor's Side of the Municipal Football Stadium by MH McLaughlin, LLC in the amount of \$21,360.00 plus \$13,500.00 Materials for a total of \$34,860.00.

Adopted on this 25th day of July, 2022

Jay Robinson

Council President Pro Tempore

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 amends the Budget for FY2021-2022 as recommended and presented; and authorizes the City Treasurer to make the necessary changes. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4514-22

WHEREAS, the City Council adopted on October 11, 2021, a resolution approving and adopting the proposed Budget for the FY2021-2022, Resolution No. 4231-21; and

WHEREAS, the City of Fairhope is desirous to amend the Budget and that the following estimates of expenses, as related thereto, are hereby adopted and those expenses are appropriated as follows:

Account	Description	Debit	Credit
005030-50440	Maintenance-Vehicles & Equipment	35,000.00	
005030-50470	Purchases Vehicles & Equipment		35,000.00

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope hereby amends the Budget for the FY2021-2022 as recommended and presented above; and authorizes the City Treasurer to make the necessary changes.

ADOPTED ON THIS 25TH DAY OF JULY, 2022

Jay Robinson

Council President Pro Tempore

Attest:

Lisa Hanks, MMC

City Clerk

Councilmember Boone moved to appoint Nicole Love and to reappoint Jim Horner and Ben Frater to the Fairhope Environmental Advisory Board for a four-year term which will expire July 2026. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

Councilmember Burrell moved to reappoint Katie Bolton, Chris Riley and Gary Gover to the Pedestrian & Bicycle Committee for a three-year term which will expire July 2025. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4514-22

WHEREAS, the City Council adopted on October 11, 2021, a resolution approving and adopting the proposed Budget for the FY2021-2022, Resolution No. 4231-21; and

WHEREAS, the City of Fairhope is desirous to amend the Budget and that the following estimates of expenses, as related thereto, are hereby adopted and those expenses are appropriated as follows:

Account	Description	Debit	Credit
005030-50440	Maintenance-Vehicles & Equipment	35,000.00	
005030-50470	Purchases Vehicles & Equipment		35,000.00

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope hereby amends the Budget for the FY2021-2022 as recommended and presented above; and authorizes the City Treasurer to make the necessary changes.

ADOPTED ON THIS 25TH DAY OF JULY, 2022

Jay Robinson

Council President Pro Tempore

Attest:

Lisa Hanks, MMC

City Clerk

Councilmember Boone moved to appoint Nicole Love and to reappoint Jim Horner and Ben Frater to the Fairhope Environmental Advisory Board for a four-year term which will expire July 2026. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

Councilmember Burrell moved to reappoint Katie Bolton, Chris Riley and Gary Gover to the Pedestrian & Bicycle Committee for a three-year term which will expire July 2025. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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

1) Charlotte Bouzigard, 755 Michigan Avenue (Ingleside Heights), addressed regarding fluoride in the water and said it was poison. She commented it was reduced in toothpaste; and as you get older it hurts your bones. She requested the City Council to rethink using fluoride in our water.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 6:45 p.m.

Jay Robinson,

Council President Pro Tempore

Lisa A. Hanks, MN

City Clerk