

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, 14 November 2022.

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

There being a quorum present, Council President Conyers called the meeting to order. The invocation was given by Reverend Scott Lee, Worship Pastor of First Fairhope Church, and the Pledge of Allegiance was recited.

Council President Conyers stated the next item on the agenda is the election for a Council President and Council President Pro Tempore. Council President opened the floor for Council President nominations. Councilmember Burrell nominated Councilmember Robinson. Seconded by Councilmember Martin and no other nominations were made. The floor for nominations was then closed. Councilmember Robinson was elected Council President unanimously by voice vote.

Council President Robinson took the presider's seat and recognized his family in the audience. He thanked them for their patience and support. The floor was then opened for Council President Pro Tempore nominations. Councilmember Burrell nominated Councilmember Martin. Seconded by Councilmember Conyers and no other nominations were made. The floor for nominations was then closed. Councilmember Martin was elected Council President Pro Tempore unanimously by voice vote.

Councilmember Conyers moved to approve minutes of the 24 October 2022, regular meeting; and minutes of the 24 October 2022, work session. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

Chief of Police Stephanie Hollinghead addressed the City Council and thanked them for allowing her to take time to recognize her officers. She said that two of the Police Officers were promoted on October 17, 2022: Joshua Cryar as Corporal of a Patrol Division with 11 years of service as a Police Officer; and Julie Joyner as Corporal of a Patrol Division with 25 years of service as a Police Officer.

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Jim Jeffries addressed the City Council to announce Fairhope's Veteran of the Year for 2022 Captain James Bridges. He is being honored as much for his service in the U. S. Army as for his work now with other veterans. Mr. Jeffries mentioned the numerous awards and decorations for Captain Bridges, as well as, his membership in the VFW Honor Guard and U. S. Armed Forces Honor Guard. Mr. Jeffries said that the past recipients are the Selection Committee.

Captain Bridges addressed the City Council and thanked his peers, the Mayor, the Council, and the City for this honor. He quoted John 15:13 "Greater love hath no man than this, that a man lay down his life for his friends."

Mayor Sullivan announced that the City received the ADECA grant for the charging stations near Piggly Wiggly and Café 98.

Councilmember Martin moved to address Agenda Items No. 30 through No. 34 after Agenda No. 5. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

Councilmember Martin thanked Councilmember Conyers for serving as Council President; and said he did a great job. He reminded everyone about the Tree Lighting on Thursday.

Councilmember Conyers thanked the City Council for allowing him to serve as Council President. He mentioned Councilmember Burrell served as Council President and did a great job. Councilmember Conyers said we have an amazing Mayor, City Staff, and City Council.

Council President Robinson stated Councilmember Conyers has done a fantastic job on this Council and as Council President; and hew are all grateful for him. Council President Robinson recognized the Fairhope Pirates 10 year old Youth Football Team for making it to the Superbowl with an 8 and 2 season this year. They have come a long way from last year being 0 and 8 and nine years old.

Councilmember Conyers moved to appoint Amy Molyneux to the Historic Preservation Committee for a three year term which will expire November 2025. Seconded by Councilmember Burrell. motion passed unanimously by voice vote.

Councilmember Burrell moved to reappoint Genie Frazer to the Personnel Board for a five year term which will expire December 2027. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

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Councilmember Martin moved to grant the request of Lindsey Simmons with the Eastern Shore Junior Auxiliary is requesting permission of a road closure of Bancroft Street from the intersection of Fairhope Avenue to Oak Avenue on Sunday, December 11, 2022, from 12:00 p.m. to 5:00 p.m. for the “Jolly Jog” a proposed half-mile fun run for families hosted by The Mill to raise funds for the Eastern Shore Junior Auxiliary. The proposed event time includes a one-hour buffer on each side for set-up and clean-up. They are not requesting that Fairhope Avenue be closed in any manner. The event will begin and end directly at the Mill, running towards Oak Avenue, back up Bancroft to close the loop near the Library. In addition activities include; Santa for pictures, live band, kids games and crafts, and costume contests for participants. Based on this same event hosted by the Junior Auxiliary last year, we estimate attendance to be approximately 150 people. This is a family-friendly event. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Councilmember Martin moved to grant the request of Ed Hammele, Fairhope Sunset Rotary Club Foundation, requesting permission for the use of the City streets for a fundraising event that will benefit the Fairhope-Point Clear Rotary Youth Club on Saturday, January 21, 2023 for the 4th Annual 0.5K Run in Fairhope from 2:45 p.m. to 3:30 p.m. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Councilmember Martin moved to grant the request of Ailey Cometti with Fairhope East K-6 Parent Teacher Corporation in collaboration with the Fairhope West Parent Teacher Partnership and J. Larry Newton Parent Teacher Organization are requesting permission to close the streets in downtown Fairhope on Saturday, February 4, 2023, from 6:00 a.m. to 10:00 a.m. for their 7th Annual “The Pirate Dash;” and requesting use of barricades at major road intersections to protect runners. The Pirate Dash will begin and end on the bluff (Henry George Park). Seconded by Councilmember Burrell. motion passed unanimously by voice vote.

Councilmember Conyers moved for final adoption of Ordinance No. 1761, an ordinance to amend Zoning Ordinance No. 1253 and to zone **Dynamic Holdings, LLC** property to B-2 General Business District, concurrent with conditional annexation into the City of Fairhope. The property is approximately .6 acres and is located south of Spring Run Drive, north of the Wolfe-Bayview Funeral Home. PPIN Number: 91211. (Introduced at City Council Meeting on October 24, 2022.) Seconded by Councilmember Burrell, motion for final adoption passed by the following voice votes: AYE – Burrell, Martin, Conyers, and Robinson. NAY – None.

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Councilmember Burrell moved for final adoption of Ordinance No.1762, an ordinance to amend Zoning Ordinance No. 1253 and to zone **The Grand Reserve at Pelham, LLC** property to B-2 General Business District, concurrent with conditional annexation into the City of Fairhope. The property is approximately 13.30 acres and is located on the northwest corner of Greeno Road and Old Battles Road. PPIN Numbers: 39376, 210314. (Introduced at City Council Meeting on October 24, 2022.) Seconded by Councilmember Martin, motion for final adoption passed by the following voice votes: AYE – Burrell, Martin, Conyers, and Robinson. NAY – None.

Planning Director Hunter Simmons addressed the City Council and explained the ordinance to amend Zoning Ordinance No. 1253 and to consider the Applicant, S.E. Civil, acting on behalf of the Owner, Burgess Thomasson, Jr., *et al.*, to amend the existing **Montrose Preserve PUD** to remove the requirement of a Preliminary Plat for all 18 lots within the PUD, create five development phases, and to include either Option A; allow Lots 4-6 to be sold individually, or Option B; combine Lots 4-6 as one lot to be sold, reducing the lot count to 16. (Introduced at City Council Meeting on October 24, 2022.) Mr. Simmons briefly explained the five options before the City Council; and said that Condition Number One being removed is the proposed amendment from the owner. He said that Option A and B do not need an amendment and can be done internally. Mr. Hunter commented that an application may be remanded only once without the applicant's consent before the City Council shall take one of the above actions. An applicant may agree to more remands.

Councilmember Martin moved to postpone (remand) the proposed amendment to the Director of Planning for further study and discussion. Seconded by Councilmember Conyers, motion for final adoption passed by the following voice votes: AYE – Burrell, Martin, Conyers, and Robinson. NAY – None.

Councilmember Martin moved for final adoption of Ordinance No. 1763, an ordinance to amend Ordinance No. 1269 for User Fees Charged by the City of Fairhope Planning and Zoning Department. (Introduced at City Council Meeting on October 24, 2022.) Seconded by Councilmember Conyers, motion for final adoption passed by the following voice votes: AYE – Burrell, Martin, Conyers, and Robinson. NAY – None.

Planning Director Hunter Simmons addressed the City Council to explain the Site Plan Review of property owned by FST Magnolia Avenue LLC, owner, for Site Plan approval of Magnolia Properties Office Building. The subject property is zoned B-2, General Business District, and is approximately 0.5 acres. The property is located on the southern side of Magnolia Avenue and lies west of North Section Street. PPIN Number: 14893, 14394. (Planning Commission unanimously voted to recommend City Council approve SR 22.07. Located at 314 Magnolia Avenue, Fairhope, Alabama.

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Planning Director Simmons addressed the City Council and explained the proposed Site Plan and said there are gray areas within the Zoning Ordinance. He mentioned the changes that were made for the office building: mechanical equipment, courtyard, and added more transparency to the wooden panels in courtyard wall. Mr. Simmons said staff recommends approval as proposed with one condition: all structures shall be a maximum of 40' in height.

Councilmember Burrell moved to approve the Site Plan property owned by FST Magnolia Avenue LLC listed above. The motion was seconded by Councilmember Martin; and questioned the wall height that looks higher than the people. Mr. Simmons replied the wall is 7 foot tall; and mentioned again the wooden panels were move further apart to see into courtyard.

Councilmember Burrell questioned the mechanical equipment and the 40 foot maximum in height. Mr. Simmons stated the word structure is not explicit or clear in the Zoning Ordinance. Councilmember Martin said we should be consistent with these. Council President Robinson said we need to shore up our Code for this and state "shall not exceed 40 feet including mechanical equipment." Mr. Simmons told the City Council that there was one condition from City staff.

Councilmember Burrell moved to amend his motion for the Site Plan listed above with the one condition. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is hereby authorized to execute a Project Development Agreement between the City of Fairhope and RW Battles, L.L.C. contingent on Annexation into the City of Fairhope. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

#### **RESOLUTION NO. 4614-22**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, That Mayor Sherry Sullivan is hereby authorized to execute the Project Development Agreement between the City of Fairhope and RW Battles, L.L.C. ("the Company") contingent on Annexation of the Project Area into the City of Fairhope. The Project Development Agreement provides for (i) the payment to the Company of one-half of the proceeds and receipts of the City Sales Tax actually received by the City from the operation of the Publix, for a term of three years or up to \$1,000,000, whichever occurs first, and (ii) deferral of standard charges for utility access in the amount of \$158,000, to be paid from receipts of the City Sales Tax, all as more fully set forth in the Project Development Agreement. As consideration for these benefits, the Project Area, including the Publix and all commercial outparcels on the site will be annexed in to the City of Fairhope.

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The public benefits to be achieved by this proposed action include the economic benefits and growth to the City and the community as a whole by the creation of a substantial number of construction jobs, more than 200 retail service jobs, and millions of dollars in sales tax revenues to the City from the Publix development and five commercial outparcels; this location will develop as a commercial node in the City's new Comprehensive Plan and attract new businesses to the area that will serve the residents of the City and the surrounding community, all of which serve a valid and sufficient public purpose notwithstanding any benefit to any private business or person.

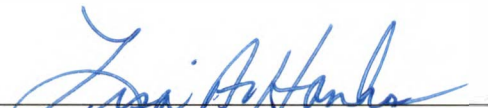
ADOPTED THIS 14TH DAY OF NOVEMBER, 2022




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Jay Robinson, Council President

Attest:




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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 gratefully accepts the Warranty Deed from Azalea Ridge Property Owners Association, Inc. to the City of Fairhope, Alabama, for the Raintree Lift Station property; and hereby accepts the Wastewater Infrastructure including lift station, sewer force main, and 8" gravity sewer; and authorizes Mayor Sherry Sullivan to sign any documents necessary to complete the transfer. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 4615-22**

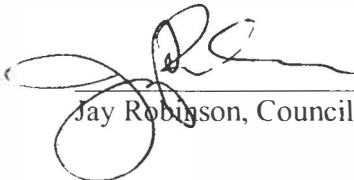
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA,** That the City of Fairhope gratefully accepts the Warranty Deed from Azalea Ridge Property Owners Association, Inc. to the City of Fairhope, Alabama, for the Raintree Lift Station property; and hereby accepts the Wastewater Infrastructure including lift station, sewer force main, and 8" gravity sewer; and authorizes Mayor Sherry Sullivan to sign any documents necessary to complete the transfer. The description of the property to-wit:

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Commence at a Capped Rebar at the Northeast Corner of Lot 64, Polo Ridge Subdivision as recorded on Slide 2017-C, in the Office of the Judge of Probate, Baldwin County, Alabama, run thence North 89°54'04" West along the North boundary of said Lot 64, and the South boundary of the Common Area shown on plat of Lakewood Club Estates, Unit 6, as recorded on Slide 1147-B, in the Office of the Judge of Probate, Baldwin County, Alabama, a distance of 81.00 feet to a point; Thence run North 34°00'00" West, 49.08 feet to a Capped Rebar for the POINT OF BEGINNING. Thence run South 56°00'00" West, 20.00 feet to a Capped Rebar; Thence run North 34°00'00" West, 20.00 feet to a Capped Rebar; Thence run North 56°00'00" East, 20.00 feet to a Capped Rebar; Thence run South 34°00'00" East, 20.00 feet to the POINT OF BEGINNING. TOGETHER WITH: an Ingress and Egress Easement described as follows:

BEGINNING at the Northwest corner of the above described parcel, run thence North 34°00'00" West, 8.0 feet, more or less to a point on the South right-of-way line of Raintree Road (60 foot Right-of-Way Paved Private Road); Thence run Northeastwardly along said right-of-way line along a curve to the Left having a Radius of 300 feet, an arc distance of 20.00 feet to a point; Thence departing said right-of-way line run thence South 34°00'00" East, 7.0 feet, more or less, to Capped Rebar at the Northeast corner of the above described parcel. Thence run South 56°00'00" West along the North boundary of said parcel 20.00 feet to the POINT OF BEGINNING.

ADOPTED ON THIS 14TH DAY OF NOVEMBER, 2022

  
Jay Robinson, 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 public improvements indicated herein for Overland Subdivision Phase I are hereby accepted for public maintenance subject to the bond posted by the "Subdivider"; and authorizes Mayor Sherry Sullivan to execute the Maintenance and Guaranty Agreement between the City of Fairhope and 68V Overland 2021, LLC (the "Subdivider"). Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

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**RESOLUTION NO. 4616-22**

**WHEREAS**, the Owners of Overland Subdivision Phase I desire to have all public streets and public right-of-ways dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2859-A, and all Fairhope public utilities located in public right-of-ways accepted for maintenance by the City of Fairhope, Alabama, and;

**WHEREAS**, the City of Fairhope, Alabama, has received notice from the engineers of the project that the design and capacity of the public improvements have been designed in conformance with City requirements, and;

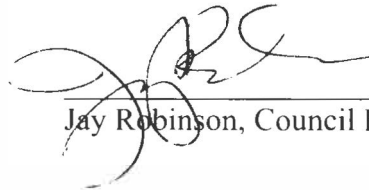
**WHEREAS**, the Public Works Director has indicated that the improvements meet City requirements, and;

**WHEREAS**, the City of Fairhope, Alabama, has received from the owners of Overland Subdivision Phase 1, maintenance bonds for the public improvements constructed for a period of 2 years, and;

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA**, that the public improvements indicated herein for Overland Subdivision Phase I are hereby accepted for public maintenance subject to the bond posted; and authorizes Mayor Sherry Sullivan to execute the Maintenance and Guaranty Agreement between the City of Fairhope and 68V Overland 2021, LLC (the "Subdivider").

**BE IT FURTHER RESOLVED**, this resolution of acceptance shall not obligate the City of Fairhope to maintain any utility or drainage facilities outside the limits of the right-of-way of the public streets, or any irrigation systems installed within the right-of-way of public streets, whether or not such may be located within dedicated easements in any of these developments.

Adopted this 14th day of November, 2022



Jay Robinson, Council President

Attest:



Lisa A. Hanks, MMC  
City Clerk



14 November 2022

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the public improvements indicated herein for Live Oak Estates are hereby accepted for public maintenance subject to the bond posted by the "Subdivider"; and authorizes Mayor Sherry Sullivan to execute the Maintenance and Guaranty Agreement between the City of Fairhope and Breland Homes Coastal, LLC (the "Subdivider"). Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

**RESOLUTION NO. 4617-22**

**WHEREAS**, the Owners of Live Oak Estates desire to have all public streets and public right-of-ways dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2860-B&C, and all Fairhope public utilities located in public right-of-ways accepted for maintenance by the City of Fairhope, Alabama, and;

**WHEREAS**, the City of Fairhope, Alabama, has received notice from the engineers of the project that the design and capacity of the public improvements have been designed in conformance with City requirements, and;

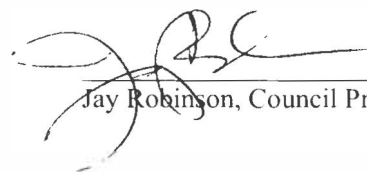
**WHEREAS**, the Public Works Director has indicated that the improvements meet City requirements, and;

**WHEREAS**, the City of Fairhope, Alabama, has received from the owners of Live Oak Estates, maintenance bonds for the public improvements constructed for a period of 2 years, and;

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA** that the public improvements indicated herein for Live Oak Estates are hereby accepted for public maintenance subject to the bond posted; and authorizes Mayor Sherry Sullivan to execute the Maintenance and Guaranty Agreement between the City of Fairhope and Breland Homes Coastal, LLC (the "Subdivider").

**BE IT FURTHER RESOLVED** this resolution of acceptance shall not obligate the City of Fairhope to maintain any utility or drainage facilities outside the limits of the right-of-way of the public streets, or any irrigation systems installed within the right-of-way of public streets, whether or not such may be located within dedicated easements in any of these developments.

Adopted this 14th day of November, 2022



Jay Robinson, Council President

Attest:

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Lisa A. Hanks, MMC  
City Clerk

14 November 2022

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council approves Amendment No. 1 to RFP 002-19 - Program Administrative Services for Working Waterfront and Green Space Project to Grant Management, LLC for ADCNR Grant #M1A14-FHWW; and authorizes Mayor Sherry Sullivan to execute Amendment No. 1 between the City of Fairhope and Grant Management, LLC in the amount of \$210,500.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 4618-22**

**AMENDMENT NO. 1 TO RFP 002-19 PROGRAM ADMINISTRATION SERVICES CONTRACT FOR THE ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES GRANT #M1A14-FHWW-PHASE II (RESTORE ACT- WORKING WATERFRONT AND GREENSPACE PROJECT)**

**WHEREAS**, the City of Fairhope did solicit Requests for Proposals (RFP 002-19) - Program Administrative Services for Working Waterfront and Green Space Project) in accordance with applicable federal, state and local laws, codes, regulations, ordinances, etc., including, but not limited to all executive orders (EO), Office of Management and Budget (OMB) requirements, and U.S. Treasury Regulations; and

**WHEREAS**, on August 26, 2019 the City Council awarded RFP 002-19 to Grant Management, LLC for ADCNR Grant #M1A14-FHWW; and

**WHEREAS**, the City Council did initially award the contract for \$37,500.00 (amount obligated for Phase I) and is now desirous to amend the awarded contract between the City of Fairhope and Grant Management, LLC for the additional amount obligated for Program Administration Services for Phase II in the amount of \$210,500.00.

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council approves Amendment No. 1 to RFP 002-19 - Program Administrative Services for Working Waterfront and Green Space Project to Grant Management, LLC for ADCNR Grant #M1A14-FHWW; and authorizes Mayor Sherry Sullivan to execute Amendment No. 1 between the City of Fairhope and Grant Management, LLC in the amount of \$210,500.00.

ADOPTED ON THIS 14TH DAY OF NOVEMBER, 2022

  
Jay Robinson, Council President

Attest:

  
Lisa A. Hanks, MMC  
City Clerk

14 November 2022

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council approves Amendment No. 1 to RFP 010-19 – Professional Engineering Services for Working Waterfront and Green Space Project to Goodwyn, Mills and Cawood, Inc. for ADCNR Grant #M1A14-FHWW; and authorizes Mayor Sherry Sullivan to execute Amendment No. 1 between the City of Fairhope and Goodwyn, Mills and Cawood, Inc. in the amount of \$281,920.00. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

**RESOLUTION NO. 4619-22**

**AMENDMENT NO. 1 TO RFP 010-19 ENGINEERING SERVICES  
CONTRACT FOR THE ALABAMA DEPARTMENT OF  
CONSERVATION AND NATURAL RESOURCES GRANT #M1A14-FHWW-PHASE II  
(RESTORE ACT- WORKING WATERFRONT AND GREENSPACE PROJECT)**

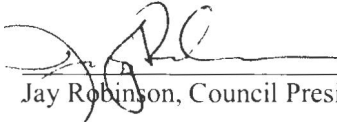
**WHEREAS**, the City of Fairhope did solicit Requests for Proposals (RFP 010-19) – Professional Engineering Services for Working Waterfront and Green Space Project) in accordance with applicable federal, state and local laws, codes, regulations, ordinances, etc., including, but not limited to all executive orders (EO), Office of Management and Budget (OMB) requirements, and U.S. Treasury Regulations; and

**WHEREAS**, on August 26, 2019 the City Council awarded RFP 010-19 to Goodwyn, Mills and Cawood, Inc. for ADCNR Grant #M1A14-FHWW; and

**WHEREAS**, the City Council did initially award the contract for \$496,766.00 (amount obligated for Phase I) and is now desirous to amend the awarded contract between the City of Fairhope and Grant Management, LLC for the additional amount obligated for Program Administration Services for Phase II in the amount of \$281,920.00.

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council approves Amendment No. 1 to RFP 010-19 – Professional Engineering Services for Working Waterfront and Green Space Project to Goodwyn, Mills and Cawood, Inc. for ADCNR Grant #M1A14-FHWW; and authorizes Mayor Sherry Sullivan to execute Amendment No. 1 between the City of Fairhope and Goodwyn, Mills and Cawood, Inc. in the amount of \$281,920.00.

ADOPTED ON THIS 14TH DAY OF NOVEMBER, 2022

  
Jay Robinson, Council President

Attest:

  
Lisa A. Hanks, MMC  
City Clerk

14 November 2022

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope authorizes the submission of a grant application for the Water Quality Program of the Restore Act with a requested amount of \$487,500.00; the proposed cost of the project to be \$650,000.00; grant funds will pay \$487,500.00 of the total project costs, and if a grant is funded the City will be responsible for contributing \$162,500.00 required in cash matching funds, as well, as \$19,500.00 to cover Grant Management Services for the project; and the City Council authorizes Mayor Sherry Sullivan to sign all required grant application documents on behalf of the City. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

**RESOLUTION NO. 4620-22**

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION  
AS PART OF THE WATER QUALITY PROGRAM OF THE  
RESOURCES AND ECOSYSTEMS SUSTAINABILITY, TOURIST OPPORTUNITIES,  
AND REVIVED ECONOMIES OF THE GULF STATES ACT (RESTORE ACT)**

**WHEREAS**, the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economics of the Gulf States Act (RESTORE Act) provides grants through Alabama Department of Conservation and Natural Resources, its subrecipient; and,

**WHEREAS**, the City has identified an opportunity to pursue a Stormwater Infrastructure Inventory project as part of the Water Quality Program; and,

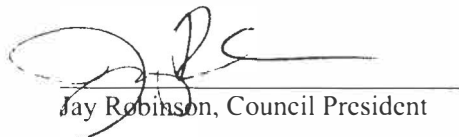
**WHEREAS**, a cost estimate shows the proposed cost of the project to be \$650,000.00; and,

**WHEREAS**, the grant funds will pay for \$487,500.00 of the total project costs, and if the grant is funded the City will be responsible for contributing \$162,500.00 required in cash matching funds, as well as, \$19,500.00 to cover Grant Management Services for the project; and

**NOW, THEREFORE BE IT RESOLVED**, that the City of Fairhope authorizes the submission of a grant application requesting \$487,500.00 in funds; and

**BE IT FURTHER RESOLVED**, that the City Council authorizes Mayor Sherry Sullivan to sign all required grant application documents on behalf of the City.

DULY ADOPTED THIS 14TH DAY OF NOVEMBER, 2022

  
Jay Robinson, Council President

Attest:

  
Lisa A. Hanks, MMC  
City Clerk

14 November 2022

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope authorizes acceptance of the grant award from the Alabama Law Enforcement Agency; and authorizes Mayor Sherry Sullivan to sign the Subrecipient Funding Agreement for the State Homeland Security Grant in the amount of \$49,892.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 4621-22**

**AUTHORIZING THE EXECUTION OF A SUBRECIPIENT FUNDING AGREEMENT WITH THE ALABAMA LAW ENFORCEMENT AGENCY FOR THE STATE HOMELAND SECURITY GRANT**

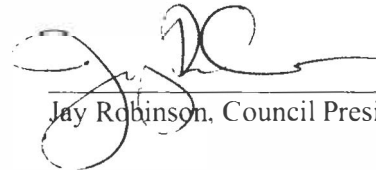
**WHEREAS**, the City of Fairhope (hereinafter, "Subrecipient Grantee"), acting by and through its administrative agent, the Alabama Law Enforcement Agency (hereinafter, "ALEA"), submitted a grant application for the purpose of conducting exercises, receiving training or the purpose of equipment for the department; and

**WHEREAS**, the City of Fairhope is the Subrecipient of grant funds from the State Homeland Security Grant Program through ALEA for \$49,892.00 to be used to purchase soft target/crowded place protection equipment/barriers; and

**NOW THEREFORE THIS SUBRECIPIENT FUNDING AGREEMENT**, ("Agreement") is made and entered into by and between the Alabama Law Enforcement Agency and the City of Fairhope.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF FAIRHOPE, IN REGULAR SESSION ASSEMBLED**, that the City of Fairhope authorizes acceptance of the grant award from the Alabama Law Enforcement Agency; authorizes Mayor Sherry Sullivan to sign the Subrecipient Funding Agreement for the State Homeland Security Grant in the amount of \$49,892.00.

DULY ADOPTED THIS 14TH DAY OF NOVEMBER, 2022



Jay Robinson, Council President

Attest:



Lisa A. Hanks, MMC  
City Clerk

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Council President Robinson announced that Agenda Item No. 19 has been pulled.

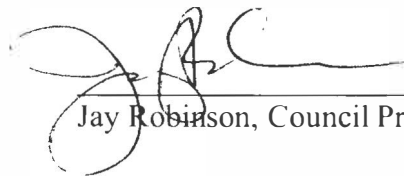
Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the selection of Pyro Productions Inc. as Professional Consultant for the Design and Production of the Fireworks Display for New Year's Eve 2023 for the Community Affairs Department (RFQ No. PS23-004), pursuant to Code of Alabama, "Pyrotechnic Shooter Law"; and hereby authorizes Mayor Sherry Sullivan to negotiate a fee schedule and establish a not-to-exceed limit with this firm. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 4622-22**

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

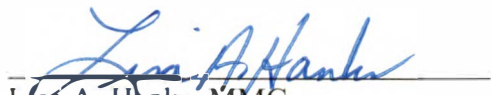
[1] That the City of Fairhope approves the selection of Pyro Productions Inc. as Professional Consultant for the Design and Production of the Fireworks Displays for New Year's Eve 2023 for the Community Affairs Department (RFQ No. PS23-004), pursuant to Code of Alabama, "Pyrotechnic Shooter Law"; and hereby authorizes Mayor Sherry Sullivan to negotiate a fee schedule and establish a not-to-exceed limit with this firm.

ADOPTED ON THIS 14TH DAY OF NOVEMBER, 2022



Jay Robinson, 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 City of Fairhope approves the selection of International Code Council for (RFQ PS23-005) Professional Engineering Services for 3rd Party Review of Construction Documents for the RDI Hangar, and the Rockwell Apartment Buildings A and B, etc.; and hereby authorizes Mayor Sherry Sullivan to execute a contract with firm with a hard estimate amount of \$50,000.00. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

14 November 2022

**RESOLUTION NO. 4623-22**

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

[1] That the City of Fairhope approves the selection of International Code Council for (RFQ PS23-005) Professional Engineering Services for 3rd Party Review of Construction Documents for the RDI Hangar, and the Rockwell Apartment Buildings A and B, etc.; and hereby authorizes Mayor Sherry Sullivan to negotiate a not-to-exceed amount of \$50,000.00 for this project and execute a contract with firm.

DULY ADOPTED THIS 14TH DAY OF NOVEMBER, 2022



Jay Robinson, 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 to award (Bid No. 23-001-WA009-21) to Hemphill Construction Company, Inc. for CR 33 24-Inch Water Main Extension Project with a total bid proposal budgeted not-to-exceed \$6,452,960.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote. Water and Wastewater Superintendent Jason Langley said it would take five to six months to get in supplies; and a year to complete the 24" water main.

**RESOLUTION NO. 4624-22**

**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 to procure services for (Bid No. 23-001-WA009-21) CR 33 24-Inch Water Main Extension Project at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

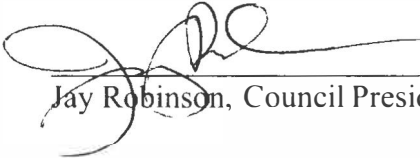
[2] At the appointed time and place, bids were received and tabulated as follows:

14 November 2022

Contractor	Total Bid
Hemphill Construction Company Inc.	\$ 6,452,960.00
Centerline Contracting, Inc.	\$ 6,599,183.29
Cleary Construction Inc.	\$ 7,982,740.00
Morgan Contracting, Inc.	\$ 8,205,325.00
Construction Labor Services Inc.	\$ 12,413,250.00

[3] At the appointed time and place; after evaluating the bids with the required specifications, Hemphill Construction Company, Inc. is now awarded (Bid No. 23-001-WA009-21) CR 33 24-Inch Water Main Extension Project with a total bid proposal budgeted not-to-exceed \$6,452,960.00.

ADOPTED ON THIS 14TH DAY OF NOVEMBER, 2022



Jay Robinson, 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 City of Fairhope approves the procurement for FY2023 Potting Soil Sungro MM830-F3B FB RSi for the Public Works Department from Sungro Horticulture Inc. as Sole Source and Manufacturer of this product; authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13): "Contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible to award by competitive bidding." The total budgeted amount not-to-exceed \$70,937.00. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

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14 November 2022

**RESOLUTION NO. 4625-22**

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

[1] That the City of Fairhope approves the procurement for FY2023 Potting Soil Sungro MM830-F3B FB RSi for the Public Works Department from Sungro Horticulture Inc. as Sole Source and Manufacturer of this product; authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13): "Contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible to award by competitive bidding." The total budgeted amount not-to-exceed \$70,937.00.

ADOPTED ON THIS 14TH DAY OF NOVEMBER, 2022

  
\_\_\_\_\_  
Jay Robinson, 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 of one (1) 2023 Ford Explorer or equivalent for the Planning Department from Stivers Ford Lincoln; the type of vehicle needed is on the State of Alabama Division of Purchasing Contract Number T191L and therefore does not have to be let out for bid; total cost not-to-exceed \$32,753.00, \$1,287.00 of which is not budgeted. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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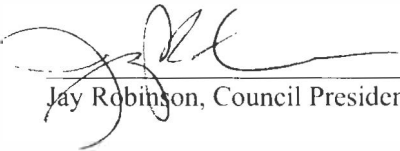
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14 November 2022

**RESOLUTION NO. 4626-22**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA,** That the City of Fairhope approves the procurement of one (1) 2023 Ford Explorer or equivalent for the Planning Department from Stivers Ford Lincoln; the type of vehicle needed is on the State of Alabama Division of Purchasing Contract Number T191L and therefore does not have to be let out for bid: total cost not-to-exceed \$32,753.00, \$1,287.00 of which is not budgeted.

ADOPTED ON THIS 14TH DAY OF NOVEMBER, 2022

  
Jay Robinson, Council President

Attest:

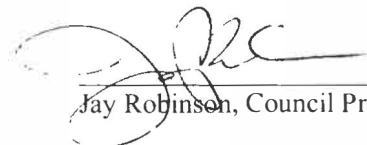
  
Lisa A. Hanks, MMC  
City Clerk

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the procurement of one (1) Econoline DP1225DA Backhoe Trailer 24 Ton with Airbrakes or equivalent for the Gas Department; this type of equipment is on the Omnia Partners Contract Number 161534 and therefore does not have to be let out to bid. Total cost not-to-exceed \$23,363.00, over budget \$2,363.00 due to the rise of inflation. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 4627-22**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA,** That the City of Fairhope approves the procurement of one (1) Econoline DP1225DA Backhoe Trailer 24 Ton with Airbrakes or equivalent for the Gas Department; this type of equipment is on the Omnia Partners Contract Number 161534 and therefore does not have to be let out to bid. Total cost not-to-exceed \$23,363.00. over budget \$2,363.00 due to the rise of inflation.

ADOPTED ON THIS 14TH DAY OF NOVEMBER, 2022

  
Jay Robinson, Council President

Attest:

  
Lisa A. Hanks, MMC  
City Clerk

14 November 2022

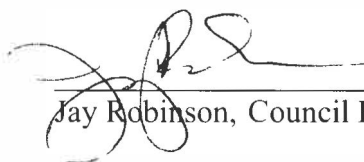
Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the procurement of Expansion of the Laserfiche Avante Starter Public Portal for the IT Department from MCCi; this is Addendum No. 2 to MCCi Master Services Agreement No. 19570; the contract is through NCPA (National Cooperative Purchasing Alliance) Contract #11-25 and therefore does not have to be let out to bid. The total budgeted amount not-to-exceed \$18,000.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 4628-22**

**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 the Expansion of the Laserfiche Avante Starter Public Portal for the IT Department from MCCi; this is Addendum No. 2 to MCCi Master Services Agreement No. 19570; the contract is through NCPA (National Cooperative Purchasing Alliance) Contract #11-25 and therefore does not have to be let out to bid. The total budgeted amount not-to-exceed \$18,000.00.

ADOPTED ON THIS 14TH DAY OF NOVEMBER, 2022

  
\_\_\_\_\_  
Jay Robinson, 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 approves the procurement of an upgrade to Internet Bandwidth from 1 Gbps to 2 Gbps for the IT Department from Harbor Communications (now Cspire) as Sole Source Distributor; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13). The budgeted cost will not-to-exceed \$17,400.00 annually. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

14 November 2022

**RESOLUTION NO. 4629-22**

**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 an upgrade to Internet Bandwidth from 1 Gbps to 2 Gbps for the IT Department from Harbor Communications (now Cspire) as Sole Source Distributor; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13). The budgeted cost will not-to-exceed \$17,400.00 annually.

ADOPTED ON THIS 14TH DAY OF NOVEMBER, 2022

  
Jay Robinson, 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 declares thirty-eight (38) LED Lights as surplus and the Mayor and City Treasurer are hereby authorized and directed to dispose of personal property owned by the City of Fairhope by one of the following methods: [1] Receiving bids for such property (via GovDeals) sold to the highest bidder; provided, however, that the City Council shall have the authority to reject all bids, when, in its opinion, it deems the bids to be less than adequate consideration for the personal property; [2] Sold to the Private Sector through direct sell. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

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14 November 2022

**RESOLUTION NO. 4630-22**

**WHEREAS**, the City of Fairhope, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

**WHEREAS**, Section 11-43-56 of the Code of Alabama of 1975 authorizes the municipal governing body to dispose of unneeded personal property;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FAIRHOPE, ALABAMA, AS FOLLOWS:**

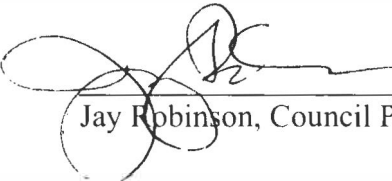
**SECTION 1.** That the following personal property owned by the City of Fairhope, Alabama, is not needed for public or municipal purposes, and hereby declared surplus:

- Thirty-Eight (38) LED Lights GAN-SA8C-740-U-T2R-GN-U116390 Galleon LED 445W, 120-277V, Type II Roadway, Hartford Green.

**SECTION 2.** That the Mayor and City Treasurer are hereby authorized and directed to dispose of the personal property owned by the City of Fairhope, Alabama, described in Section 1. above, by one of the following methods:

- a. Receiving bids for such property ("via GovDeals"). All such property shall be sold to the highest bidder, provided, however, that the City Council shall have the authority to reject all bids when, in its opinion, it deems the bids to be less than adequate consideration for the personal property.
- b. Sold to the Private Sector through direct sell.

ADOPTED AND APPROVED THIS 14TH DAY OF NOVEMBER, 2022

  
\_\_\_\_\_  
Jay Robinson, Council President

ATTEST:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

14 November 2022

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope declares three (3) sailboats owned by the City and located at Fairhope Docks surplus; and authorizes and directs Mayor Shery Sullivan to dispose of boats by disposal via landfill. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

**RESOLUTION NO. 4630-22**

**WHEREAS**, the City of Fairhope, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

**WHEREAS**, Section 11-43-56 of the Code of Alabama of 1975 authorizes the municipal governing body to dispose of unneeded personal property;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FAIRHOPE, ALABAMA, AS FOLLOWS:**

**SECTION 1.** That the following personal property owned by the City of Fairhope, Alabama, is not needed for public or municipal purposes, and hereby declared surplus:

- Three Sailboats located at Fairhope Docks:

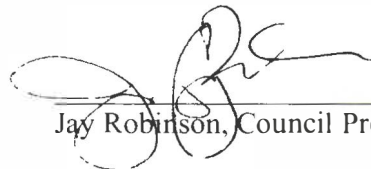
Name Rum Cake: 30ft Mystic, Color white, Motor Volvo MD7A Diesel  
Abandoned over 24 months; No value or value under salvage cost

Name Tip-Tray: 28ft Erickson, Color White, Motor: none  
Abandoned over 24 months; No value or value under salvage

Name Aural Fixation: 31ft Pearson, Color White, Motor Westerbeke 32  
Abandoned over 24 months; No value or value under salvage cost

**SECTION 2.** That the Mayor is hereby authorized and directed to dispose of the personal property owned by the City of Fairhope, Alabama, described in Section 1, above, by Disposal via landfill.

ADOPTED AND APPROVED THIS 14TH DAY OF NOVEMBER, 2022

  
\_\_\_\_\_  
Jay Robinson, Council President

ATTEST:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

14 November 2022

Mayor Sherry Sullivan addressed the City Council and reminded everyone of the Tree Lighting, Movie in the Streets, America Recycle Day, and Sunday Downtown Open House.

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 Section 36-25A-7(a)(3) to discuss pending and potential litigation. The approximate time to be in Executive Session is 50 minutes. Councilmember Burrell moved to go into Executive Session. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

Exited the dais at 7:30 p.m. Returned at 8:23 p.m.

Council President Robinson stated there was a need to add on an agenda item after Agenda Item Number 36: a resolution that Chris Williams and the lawfirm of Hand Arendall are hereby authorized to file suit against parties involved or that caused damage to certain City property located on or near the North Mobile Street Bluff.

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

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution that Chris Williams and the lawfirm of Hand Arendall are hereby authorized to file suit against parties involved or that caused damage to certain City property located on or near the North Mobile Street Bluff. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 4632-22**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA,** That Chris Williams and the law firm of Hand Arendall are hereby authorized to file suit against parties involved or that caused damage to certain City property located on or near the North Mobile Street Bluff.

DULY ADOPTED THIS 14TH DAY OF NOVEMBER, 2022

  
Jay Robinson, Council President

Attest:

  
Lisa A. Hanks, MMC  
City Clerk

14 November 2022

Councilmember Conyers 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 8:25 p.m.



Jay Robinson, Council President



Lisa A. Hanks, MMC  
City Clerk