

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, 12 December 2022.

Present were Council President Jay Robinson, Councilmembers: Jack Burrell, Corey Martin, and Jimmy Conyers, 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 Robinson called the meeting to order. The invocation was given by Pastor Rick Malugani of Fairhope Christian Church and the Pledge of Allegiance was recited.

Council President Robinson announced that Agenda Item Number 15 has been pulled from the agenda.

Councilmember Martin moved to approve minutes of the 28 November 2022, regular meeting; and minutes of the 28 November 2022, work session. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Mayor Sullivan addressed the City Council and thanked the churches for hosting the Live Nativity. She commended the Gas Department for the Public Service Commission naming them “Gas System of the Year.” Mayor Sullivan said that she was told our employees were transparent and honest.

Mayor Sullivan recognized Diane Thomas for her 12 years of service on the Personnel Board; and thanked her for all of the work she did for the City while on this Board. Ms. Thomas addressed the City Council and stated this was the best volunteer job she ever had. She mentioned the following five major accomplishments achieved during those 12 years:

- 1) In 2012 completed the City’s first Compensation and Job Classification Plan. She thanked City Clerk Lisa Hanks and Lorenzo Thomas for their help with this project.
- 2) Disciplinary Hearing Process
- 3) Zero Tolerance Drug Policy
- 4) Safety Procedures Manual and hiring a Safety Coordinator
- 5) Adequately staffed Human Resources Department

Ms. Thomas said you have a strong Personnel Board. She introduced Genie Frazer to the City Council and told them Ms. Frazer will be the new Chair for the Board. Ms. Thomas mentioned the rest of the Personnel Board and their qualifications: Jake O’Neil, Rob Stankoski, Terry Ullrich, and Tyler Garner. She stated that Kevin Boone was the best Council Liaison for the Personnel Board.

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Mayor Sullivan recognized Bob Mull for his 16 plus years of service as a James P. Nix Center Volunteer. She said he was over approximately 40 to 50 senior golfers from the Nix Center. Mr. Mull said he enjoyed volunteering for the City and thanked them.

Councilmember Burrell commended the Gas Department for being named the Gas System of the Year. He also thanked all of the City's employees; and said the luncheon on Friday was great. Councilmember Burrell told everyone to be safe through the Holidays.

Councilmember Martin told everyone Merry Christmas.

Councilmember Martin moved for final adoption of Ordinance No. 1764, an ordinance to amend Zoning Ordinance No. 1253; and to amend Ordinance No. 1664 and 1708, known as the **Klumpp PUD** with Staff's recommendations. The property of Gayfer Village Partners, Inc. is approximately 75.85 acres and is generally located on the west side of State Highway 181 between Gayfer Road Ext. and Fairhope Avenue in Fairhope, Alabama. PPIN Numbers: 24160, 316793, 236701. (Introduced at the November 28, 2022 City Council Meeting) Seconded by Councilmember Conyers, motion for final adoption passed by the following voice votes: AYE – Burrell, Martin, Conyers, and Robinson. NAY - None.

Councilmember Conyers moved for final adoption of Ordinance No. 1765, an ordinance to amend Zoning Ordinance No. 1253 and to zone of **RW Battles, LLC** property to B-2 General Business District, concurrent with conditional annexation into the City of Fairhope. The property is approximately 21.18 acres and is located on the northwest corner of Greeno Road and Old Battles Road. PPIN Numbers: 17515, 391379, 391372, 391373, 391374, 391375, 391376. (Introduced at the November 28, 2022 City Council Meeting) Seconded by Councilmember Martin, motion for final adoption passed by the following voice votes: AYE – Burrell, Martin, Conyers, and Robinson. NAY - None.

Councilmember Conyers moved for final adoption of Ordinance No. 1766, an ordinance discontinuing the issuance of Building Permits outside of the Corporate Limits within the Police Jurisdiction and Repealing Ordinance No. 1129 regarding the issuance of Building Permits within the Police Jurisdiction of the City of Fairhope, Section 7-16 of the City of Fairhope Code of Ordinances. (Introduced at the November 28, 2022 City Council Meeting) The motion was seconded by Councilmember Burrell who then questioned if anyone would rush to get projects done if approved. Planning Director Hunter Smith mentioned the moratorium and length of time the process is for projects. Mayor Sullivan commented this does affect the Police Jurisdiction. After further discussion, motion for final adoption passed by the following voice votes: AYE – Burrell, Martin, Conyers, and Robinson. NAY - None.

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Councilmember Martin moved to approve the 2023 Regular City Council Meetings. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Planning Director Hunter Simmons addressed the City Council to explain the Site Plan Review of property owned by FST Robert N Graham LLC. Located on the southeast corner of Fairhope Avenue and U.S. Highway 98, Fairhope, Alabama for a proposed Starbucks. The subject property is zoned B-2, General Business District, and is approximately 0.7 acres. PPIN Number: 64946. (Planning Commission unanimously voted to recommend City Council approve SR 22.03).

Councilmember Martin moved to approve the Site Plan property owned by FST Robert N Graham LLC listed above with Staff's conditions and an additional condition: 5. Add a planting island on the south end of the exit drive to deter incoming traffic (from Greeno Rd.).

- 1) A Shared Parking Agreement shall be executed prior to issuance of the building permit.
- 2) Tree removal permit and fees shall be provided at the time of building permit.
- 3) A sign plan shall be submitted via Citizen Serve to Code Enforcement for review and approval.
- 4) Electric services shall be coordinated at the time of permitting with aid-to-construction costs and applicable easements. Final plans for all utilities and any associated aid to construction costs shall be approved by the respective Supervisor prior to submittal of a building permit.

Final plan may be approved by staff. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council hereby approves and authorizes the City of Fairhope to execute a Memorandum of Understanding between the City of Fairhope, the City of Spanish Fort, and the Coastal Alabama Community College for the purpose of receiving and extending services in the form of a unified Special Response Team (SRT) with related services and resources extended to one another when such assistance is requested. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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12 December 2022

**RESOLUTION NO. 4647-22**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council hereby approves and authorizes the City of Fairhope to execute a Memorandum of Understanding between the City of Fairhope, on behalf of its Police Department ("Fairhope PD"), the City of Spanish Fort, on behalf of its Police Department ("Spanish Fort PD") and the Coastal Alabama Community College Police Department (the "Participating Agencies") for the purpose of receiving and extending services in the form of a unified Special Response Team (SRT) with related services and resources extended to one another when such assistance is requested. The Team will consist of members from Participating Agencies.

ADOPTED ON THIS 12<sup>TH</sup> DAY OF DECEMBER, 2022



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 Jay Robinson, Council President

Attest:




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 Lisa A. Hawks, MMC  
 City Clerk

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution to Repeal and Replace Resolution No. 4432-22 City Council approves and authorizes request by Mayor Sherry Sullivan for an additional one (1) year extension on the Maynard, Cooper & Gale, P.C. Engagement Letter Agreement executed on April 11, 2022 with a not-to-exceed amount of \$96,000.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 4648-22**

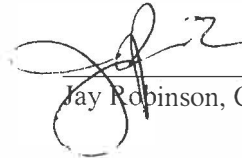
**WHEREAS**, on April 11, 2022 the City Council approved and authorized Mayor Sherry Sullivan to execute the Maynard, Cooper & Gale, P.C. Engagement Letter Agreement for the City of Fairhope. Engagement Letter Agreement was executed for a six (6) month period with a not-to-exceed amount of \$54,000.00 via Resolution No. 4432-22.

**WHEREAS**, the Mayor is desirous to extend this engagement for an additional year from October 2022 to September 2023 with a not-to-exceed amount of \$96,000.00 (retainer fee of \$8,000.00 per month).

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**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA,** That the City Council hereby authorizes Mayor Sherry Sullivan to execute a one year extension of the Maynard, Cooper & Gale, P.C. Engagement Letter Agreement for the City of Fairhope. Engagement Letter with Maynard, Cooper & Gale, P.C. from October 2022 to September 2023 with a retainer fee of Eight Thousand Dollars (\$8,000.00) per month; and a not-to-exceed amount of \$96,000.00.

DULY ADOPTED THIS 12TH DAY OF DECEMBER, 2022



Jay Robinson, Council President

Attest:

  
Lisa A. Hanks, MMC  
City Clerk

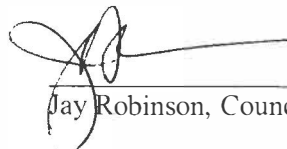
Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is hereby authorized to execute a Contract for Professional Engineering Services for Power Line Conversion along Magnolia Avenue between Bancroft Street and Church Street with Hi-Line Engineering (RFQ PS23-002) with a negotiated not-to-exceed budgeted amount of \$75,000.00. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

**RESOLUTION NO. 4649-22**

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

That Mayor Sherry Sullivan is hereby authorized to execute a Contract for Professional Engineering Services for Power Line Conversion along Magnolia Avenue between Bancroft Street and Church Street with Hi-Line Engineering (RFQ PS23-002) with a negotiated not-to-exceed budgeted amount of \$75,000.00.

DULY ADOPTED THIS 12TH DAY OF DECEMBER, 2022



Jay Robinson, Council President

Attest:

  
Lisa A. Hanks, MMC  
City Clerk

12 December 2022

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution to Award (Bid No. 23-004-2023-PWI-007) Metal Building 50 x 100 x 18 Truck Shed for the Electric Department to Southern Steel Structures with at total bid proposal budgeted not-to-exceed \$102,659.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 4650-22**

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

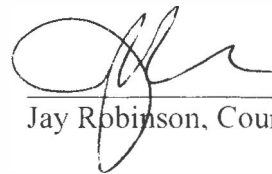
[1] That the City of Fairhope did request, receive, and open bids to procure services for (Bid No. 23-004-2023-PWI-007) Metal Building 50 x 100 x 18 Truck Shed for the Electric Department at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for  
Metal Building (50x100x18) Truck Shed

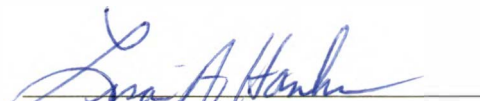
[3] At the appointed time and place; after evaluating the bids with the required specifications, Southern Steel Structures is now awarded (Bid No. 23-004-2023-PWI-007) Metal Building (50x100x18) Truck Shed with a total bid proposal budgeted not-to-exceed \$102,659.00.

ADOPTED ON THIS 12TH DAY OF DECEMBER, 2022



Jay Robinson, Council President

Attest:



Lisa A. Hanks, MMC  
City Clerk

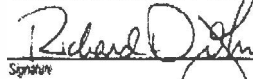
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City of Fairhope Bid Task Order  
 Bid No. 23-004-2023-PW-007 Metal Building - 50 x 106 x 16 Truss Shed for City of Fairhope - Electric Utility  
 Opened November 17, 2022 at 10:00 A.M.

Vendor	Bid Documents Signed / Notarized (Y/N)	Vendor Compliance (Y/N)	Addendum 1 Acknowledged (Y/N)	Lump Sum Cost	Additive Alternative Total	Total
Covington Contracting, Inc.	Y	Y	Y	\$122,580.00	\$42,957.00	\$165,537.00
Texascon	Y	Y	Y	\$113,053.00	\$44,853.00	\$157,906.00
Greer Building Contractors	Y	N	N	\$124,132.00	\$37,713.00	\$161,845.00
Southern Steel Structures	Y	Y	Y	\$98,744.00	\$11,915.00	\$110,659.00
BCM Ironing Co., Inc.	N	N	Y	\$135,565.00	\$10,250.00	\$145,815.00
RE Johnson General Contractors	Y	Y	Y	\$171,830.00	\$11,225.00	\$183,055.00

Recommendation:

To the best of my knowledge and to all appearances, Bid Tabulation

  
 Signature

Richard Johnson, Public Works Director

  
 Signature

Erin Wolfe, Purchasing Manager

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution to Award (Bid No. 23-006) to Install New Bay Doors at Fire Station 3 located at Fairhope Airport for the Fire Department to Bailey Door, Inc. with a total bid proposal budgeted not-to-exceed \$58,378.00. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

12 December 2022

**RESOLUTION NO. 4651-22**

**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. 23-006) to Install New Bay Doors at Fire Station 3 located at Fairhope Airport for the Fire Department at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[2] At the appointed time and place, bid was received and tabulated as follows:

Bailey Door, Inc.      \$58,378.00

[3] At the appointed time and place; after evaluating the bid with the required specifications, Bailey Door, Inc. is now awarded (Bid No. 23-006) to Install New Bay Doors at Fire Station 3 with a total bid proposal budgeted not-to-exceed \$58,378.00.

ADOPTED ON THIS 12TH DAY OF DECEMBER, 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) 2023 Ford F-250 Super Crew 4x4 Pickup or equivalent for the Gas Department from Stivers Ford Lincoln: the type of vehicle needed is on the State of Alabama Division of Purchasing Contract Number T191 and therefore does not have to be let out for bid; total cost not-to-exceed \$44,388.00. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.



12 December 2022

**RESOLUTION NO. 4652-22**

**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 one (1) 2023 Ford F-250 Super Crew 4x4 Pickup or equivalent for the Gas Department from Stivers Ford Lincoln; the type of vehicle needed is on the State of Alabama Division of Purchasing Contract Number T191 and therefore does not have to be let out for bid; total cost not-to-exceed \$44,388.00.

[2] The Gas Department originally ordered a 2022 F-250 Super Crew 4x4 Pickup in December 2021 for \$33,241.00. The 2022 truck will not be delivered. The 2023 truck will be \$11,147.00 over the budgeted amount from 2022.

ADOPTED ON THIS 12TH DAY OF DECEMBER, 2022



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

Attest:



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Lisa A. Hanks, MMC  
City Clerk

Councilmember Burrell moved to grant the request of Randal Wright, on behalf of the Friends of the Fairhope Public Library, Requesting permission to serve alcohol at its annual Chocolate and Champagne Gala 2023 on Saturday, February 4, 2023, from 6:30 p.m. to 9:00 p.m. in the Fairhope Public Library. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

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

- 1) Cornelius Woods, 210 Silo Loop, addressed the City Council regarding his neighbor. Mr. Woods stated he was an Army Veteran; and came to the City Council to make them aware of the noise from his neighbor's loud pipes on his vehicle. He said the HOA was not regulating the rules; and he tries to do the right thing always. Mr. Woods stated the car wakes up his family; and from his home the noise registers 78 decibels.

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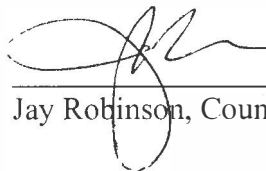
He said the Police Department cannot address the Noise Ordinance due to not having decibel readers. Captain John Hamrick tried to explain the reason the Police Department did not replace the decibel readers. Council President Robinson asked City Attorney McDowell and Captain Hamrick to look at our Code of Ordinances and determine if any need to be revised or updated.

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 35 minutes. Councilmember Conyers moved to go into Executive Session. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

Exited the dais at 7:19 p.m. Returned at 8:05 p.m.

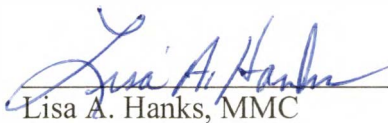
Councilmember Burrell moved to adjourn the meeting. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 8:06 p.m.



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Jay Robinson, Council President



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Lisa A. Hanks, MMC  
City Clerk