

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, 13 March 2023.

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

There being a quorum present, Council President Robinson called the meeting to order at 6:00 p.m. The invocation was given by Reverend Amanda Doshier of St. James Episcopal Church and the Pledge of Allegiance was recited.

Councilmember Burrell moved to suspend the rules and ask for change of order on agenda to bring up Item Numbers 14 - Number 17 for discussion prior to Item Number 5. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Councilmember Conyers moved to approve the minutes of the 27 February 2023, Regular City Council Meeting and 27 February 2023 Work Session. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Mayor Sullivan addressed City Council and gave report.

- 1) She thanked the Recreation Department and all City departments for pulling together this past week to get the new baseball fields open. Dedicated the youth baseball fields for Vann Saltz and the high school field for Mike Fillingim.
- 2) Opening Day of Softball was the weekend prior.
- 3) Spring Soccer Opening Day at Manley Park this weekend.
- 4) Arts and Crafts Festival and Spring Fever Chase this weekend.
- 5) Extended thanks to all the people that make these events possible for our residents and visitors of Fairhope.
- 6) Mr. Vince Boothe was recognized for his service to the Airport Authority for eight (8) years of dedicated service. She thanked him and presented plaque.

President Robinson thanked Mayor Sullivan.

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Council President Robinson opened Public Participation for Agenda Items Number 6 – Number 17.

Dione Heusel, Executive Director, Baldwin County Trailblazers, PO Box 701, Daphne, AL 36526, info@baldwincountytrailblazers.org addressed Item No. 15 approval of the third year of “Chalk the Trail” event. Proceeds will go to Advocacy for the Trails. Council President Robinson thanked Ms. Heusel.

Council President Robinson closed Public Participation for Agenda Items Number 6 – Number 17.

Council President Robinson opened Council Comments.

Councilmember Burrell discussed the Fairhope Arts and Crafts Festival. Two (2) festivals this weekend; Arts and Crafts Committee and the Eastern Shore Arts Center. The Arts Center asked question if the City could have the Downtown Parking Shuttle available during festival to transport individuals that are elderly, disabled or needing assistance. Mayor Sullivan confirmed she has taken care of request. Councilmember Burrell additionally commended and extended thanks to Mr. Vince Booth for his service and volunteerism.

Councilmember Conyers thanked Mr. Vince Booth for his service. He additionally wanted to remind everyone to come out to the Arts and Crafts Festival.

Councilmember Boone thanked Mr. Vince Booth his service. He additionally commented he hopes everyone comes out to enjoy the festivities at the Arts and Crafts Festival.

Council President Robinson addressed the following:

- 1) Announcement Fairhope identified as ranking #2 in the country for Gold Fortified Homes.
- 2) Arts and Crafts Festival this weekend.
- 3) Opening Day of Baseball this past weekend with the dedication of the parks and the new fields at Volanta Park.
- 4) Thanked Mr. Booth for all his contributions to our community.

Councilmember Burrell moved to appoint Don Ward and William Bruce to the Airport Authority for a six (6) year term which will expire on March 31, 2029. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Councilmember Conyers moved to grant the request of the Baldwin County Trailblazers for permission to use the sidewalks and grassy area of Utopia Park for a Baldwin County Trailblazer event the “3rd Annual Chalk the Trail” on Saturday, April

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22, 2023 from 12:00 – 5:00 p.m. with an alternate rain date of Sunday, April 23, 2023 from 12:00 – 5:00 p.m. If Utopia Park is not available, a secondary request for the event to be held on the same date and time at the Orange Street Pier location. The event raises awareness as well as funds for the Baldwin County Trailblazers. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

Councilmember Burrell moved to grant the request of the Eastern Shore Repertory Theatre Inc. requesting permission for approval to use Henry George Park from April 26, 2023 – May 8, 2023 for the “10th Annual Theatre on the Bluff” for three public performances. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Councilmember Burrell moved to grant the request of the Rotary Club of Fairhope Foundation for approval of the “Fairhope Rotary Club Steak Cook-Off” on May 12, 2023 for street closures on Bancroft Street, between Fairhope Avenue and Morphy Avenue, and Johnson Avenue between Section Street and Bancroft Street; event from 12:00 p.m. to midnight; and approval to allow alcohol on City streets contingent upon ABC license and approval. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Boone introduced in writing Ordinance No. 1253, an ordinance to request to establish initial zoning of FST and Encounter Development LLC’s property to B-2 General Business District, concurrent with conditional annexation into the City of Fairhope. The property is approximately 1.16 acres and is located at the northeast corner of the State Highway 181 and State Highway 104. PPIN Number 77558.

Planning Director Hunter Simmons briefly explained the proposed ordinance. Staff recommends Case: ZC 23.01, PPIN# 77558, be approved with an initial zoning of B-2 General Business.

Council President Robinson opened the Public Hearing at 6:21 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:22 p.m.

Council President Robinson addressed due to lack of a motion for immediate consideration, this ordinance will layover until the March 22, 2022 City Council meeting. Council President Robinson thanked Mr. Simmons.

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope accepts the U.S. Department of Treasury Notice of Award approving Amendment No. 1 for Grant No. GNSSP20AL0005-01-01 Restore Act Sewer Upgrades Phase I increasing total grant amount to \$13,500,000.00; and the Council authorizes Mayor Sherry Sullivan to sign

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the amended grant agreement on behalf of the City. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4700-23

**APPROVAL OF U.S. DEPARTMENT OF THE TREASURY
NOTICE OF AWARD FOR AMENDMENT NO. 1
FOR GRANT NO. GNSSP20AL0005-01-01
RESTORE ACT SEWER UPGRADES PHASE I**

WHEREAS, the City of Fairhope was awarded a RESTORE Act Grant (#S1P25-FSU1) from the Alabama Department of Conservation and Natural Resources (ADCNR) on October 1, 2019 in the amount of \$10,082,680.00 for Sewer Upgrades Phase I; and

WHEREAS, the City did bid the project and awarded construction contracts and is ready to begin the construction phase of the project; and

WHEREAS, the construction bids came in \$3,200,000.00 over the amount allocated for construction costs on the grant and, therefore, ADCNR requested additional grant funds from U.S. Treasury in this amount for the City to cover the additional costs; and

WHEREAS, U.S. Treasury issued a Notice of Award approving Amendment No. 1, on February 15, 2023 increasing the total grant amount to \$13,500,000.00;

NOW, THEREFORE IT BE RESOLVED BY THE City of Fairhope, IN REGULAR SESSION ASSEMBLED, that the City accepts Amendment No. 1 to the Grant Agreement; and


BE IT FURTHER RESOLVED BY THE City of Fairhope, that the Council authorizes the Mayor to sign the Amended Grant Agreement on behalf of the City.

DULY ADOPTED THIS 13TH DAY OF MARCH, 2023



Jay Robinson, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

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Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the selection for (RFQ PS23-012) Professional Engineering Services for Fairhope Water System Planning Project Phase I; and hereby authorizes Mayor Sherry Sullivan to execute a contract with Krebs Engineering with a not-to-exceed amount of \$32,000.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4701-23

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

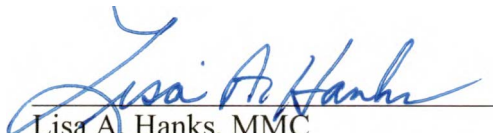
[1] That the City of Fairhope approves the selection for (RFQ PS23-012) Professional Engineering Services for Fairhope Water System Planning Project Phase 1; and hereby authorizes Mayor Sherry Sullivan to execute a contract with Krebs Engineering with a not-to-exceed amount of \$32,000.00.

DULY ADOPTED THIS 13TH DAY OF MARCH, 2023



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 to award (Bid No. 23-017) to John M. Warren, Inc. for Crowdcafe Barricades or Equivalent with a total bid proposal not-to-exceed \$49,892.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4702-23

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

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[1] That the City of Fairhope did request, receive, and open bids to procure services for (Bid No. 23-017) Crowdcade Barricades or Equivalent 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
Crowdcade Barricades or Equivalent

[3] After evaluating the bids with the required specifications, John M. Warren, Inc. is now awarded (Bid No. 23-017) Crowdcade Barricades or Equivalent with a total bid proposal not-to-exceed \$49,892.00.

ADOPTED ON THIS 13TH DAY OF MARCH, 2023

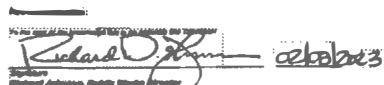


Jay Robinson, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

City of Fairhope Bid Tabulation
Bid No. 23-017 Crowdcade Barricades or Equivalent
Original February 7, 2023 at 08:57:23

| Bidder | Advertisement Published (Y/N) | Vendor Classification (M) | Estimated Bid Price (Yield) | Estimated Bid Price (Cost) | Management Fee (%) | Total Cost |
|--------------------------------|-------------------------------|---------------------------|-----------------------------|----------------------------|--------------------|-------------|
| Coastal Industrial Supply | [M] | [M] | \$100.00 | \$100.00 | Included | \$43,270.00 |
| Concrete Flag Company | [M] | [M] | \$100.00 | \$100.00 | Included | \$49,892.00 |
| John M. Warren, Inc. | [M] | [M] | \$49,892.00 | \$49,892.00 | Included | \$49,892.00 |
| Safety Zone Specifications | [M] | [M] | \$0.00 | \$0.00 | Included | \$27,200.00 |
| Technology International, Inc. | [M] | [M] | \$0.00 | \$0.00 | Included | \$24,000.00 |

 02/08/23
Richard O. Burrell, Council Member
 02/08/23
E. S. [unclear], City Clerk

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution to award (Bid No. 23-016-COF-2023-EDA001A) for Asbestos Abatement Fairhope K-1 Center to Hernandez Demolition and Remediation, LLC with a total bid proposal not-to-exceed \$64,028.40. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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RESOLUTION NO. 4703-23

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

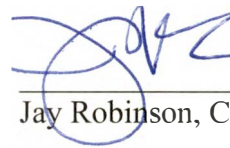
[1] That the City of Fairhope did request, receive, and open bids to procure services for (Bid No. 23-016-COF-2023-EDA001A) Asbestos Abatement Fairhope K-1 Center at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for
Asbestos Abatement Fairhope K-1 Center

[3] After evaluating the bids with the required specifications, Hernandez Demolition and Remediation, LLC is now awarded (Bid No. 23-016-COF-2023-EDA001A) Asbestos Abatement Fairhope K-1 Center with a total bid proposal not-to-exceed \$64,028.40.

ADOPTED ON THIS 13TH DAY OF MARCH, 2023



Jay Robinson, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

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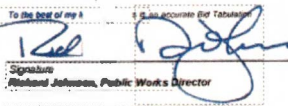

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City of Fairhope Bid Tabulation
 Bid No. 23-016 Utilities Abatement Fairhope R-4 Center
 Opened February 23, 2023 at 10:30 A.M.

| | Proposed Bid Amount (\$) | Proposed Alternatives (\$) | Proposed Alternatives Lump Sum | Unit Price for Every Five (5) seconds | Unit Price for Standard system Installation |
|--|--------------------------------|----------------------------------|--------------------------------------|--|---|
| Criss Environmental Services, Inc. (CES) | 77,200 | | | | |
| Carl Services Contracting, Inc. | | | | | |
| Herndon Devotion & Remediation, LLC | | | | | |
| MMK Environmental, LLC | | 77,200 | | | |

Recommendation:
 To the best of my knowledge, this is accurate for Tabulation.

 Signature: Richard Johnson, Public Works Director

 Signature: Eric Wolfe, Purchasing Manager

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the selection by Mayor Sherry Sullivan for (RFQ PS23-016) Utility Cost of Service Study (for the Utilities); and hereby authorizes the Mayor to execute a contract with Jackson Thornton Certified Public Accountants and Consultants with a not-to-exceed amount of \$77,200.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

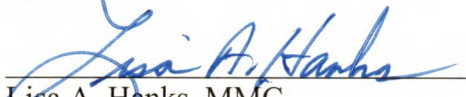
RESOLUTION NO. 4704-23

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

[1] That the City of Fairhope approves the selection by Mayor Sherry Sullivan for (RFQ PS23-016) Utility Cost of Service Study (for Gas, Electric, Water, and Sewer Utilities); and hereby authorizes the Mayor to execute a contract with Jackson Thornton Certified Public Accountants and Consultants with a not-to-exceed amount of \$77,200.00.

DULY ADOPTED THIS 13TH DAY OF MARCH, 2023


 Jay Robinson, Council President

Attest:

 Lisa A. Hanks, MMC
 City Clerk

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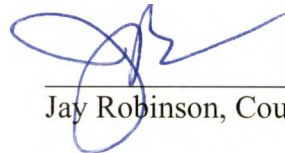
Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the procurement of a thirty-six (36) month lease for a New Hewlett Packard Plotter for the Public Utilities Building; and lease is on the NASPO Cooperative Contract #140596-AL02 and therefore does not have to be let out for bid. The total cost for the lease is \$11,671.20. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4705-23

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 a thirty-six (36) month lease for a New Hewlett Packard Plotter for the City Services and Public Utilities Building; and the lease is on the NASPO Cooperative Contract #140596-AL02 and therefore does not have to be let out for bid. The total cost for the lease is \$11,670.84.
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ADOPTED ON THIS 13TH DAY OF MARCH, 2023



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 of a Toro Groundmaster 3200 4WD Mower or equivalent for the Public Works Horticulture Department; and the type of equipment needed is on the Omnia National Contract #2017025 and therefore does not have to be let out for bid. The total amount not-to-exceed \$35,885.68. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

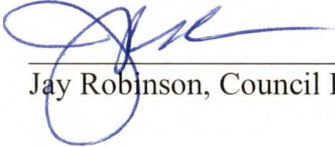
13 March 2023

RESOLUTION NO. 4706-23

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 a Toro Groundmaster 3200 4WD Mower or equivalent for the Public Works Horticulture Department; and the type of equipment needed is on the Omnia National Contract #2017025 and therefore does not have to be let out for bid. The total amount not-to-exceed \$35,885.68.

ADOPTED ON THIS 13TH DAY OF MARCH, 2023



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 certain items are declared 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 four methods listed on the resolution. Seconded by Councilmember Boone, motion passed unanimously by voice vote. Councilmember Burrell asked for resolution surplus language in Section 2a be reviewed and modified on future resolutions.

RESOLUTION NO. 4707-23

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:

13 March 2023


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:

[SEE ATTACHED LIST OF EQUIPMENT]

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 for scrap or recycle at the highest offered value.
- c. Disposal via landfill.
- d. Donate the 60 X 20 Frame for Greenhouse to the City of Gulf Shores.

ADOPTED AND APPROVED THIS 13TH DAY OF MARCH, 2023



Jay Robinson, Council President

ATTEST:



Lisa A. Hanks, MMC
City Clerk

Council President Robinson opened Public Participation for non-agenda items.

Kermit Magnus, 400 Jasmine Street, Fairhope, Alabama came forward to discuss a crater in front of his home that is located on City property. Mayor Sherry Sullivan told Mr. Magnus she would take care of tomorrow. Council President Robinson thanked Mr. Magnus.

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Jessie Patterson, 10630 County Road 1, Fairhope, Alabama came forward and addressed the following items with Council:

- 1) Inquired if the City of Fairhope had plans for a City School System as Orange Beach or Gulf Shores. Council President Robinson responded Council has not created a plan.
- 2) Discussed Fairhope Elementary West School Three (3) to Five (5) Year Plan for project along Section Street. Inquired on the City of Fairhope's participation. Mayor Sullivan addressed Principal Jenny Pierce and Science Teacher have reached out to her with discussion on a plan. She has not received the plan yet. We could partner or look at other ways of funding project with an ADECA grant.
- 3) Requested Council be present at the Fairhope Single Tax Meeting tomorrow evening at 6:30 p.m. reference White Avenue Park. Council President Robinson thanked Mr. Patterson.

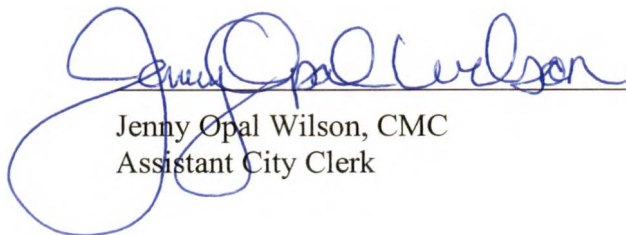
Council President Robinson closed Public Participation on non-agenda items.

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 6:40 p.m.



Jay Robinson, Council President



Jenny Opal Wilson, CMC
Assistant City Clerk