

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 Chambers, 161 North Section Street, Fairhope, Alabama 36532, on Wednesday, 22 March 2023.

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

There being a quorum present, Council President Robinson called the meeting to order at 6:00 p.m. The invocation was given by Pastor Megan Palmer of Celebration Church and the Pledge of Allegiance was recited.

Councilmember Martin moved to approve the minutes of the 13 March 2023, Regular City Council Meeting and 13 March 2023 Work Session. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

Mayor Sullivan addressed City Council and gave report.

- 1) Arts and Crafts went very well this past weekend.
- 2) Recognized exchange of former and new 2023 Dogwood Trail Court; additionally, noted Councilmember Conyers daughter Miss Anna Bowler Conyers made debut on the court this past Saturday.
- 3) Received notice from Robbie Robertson, John A. Robertson Insurance Agency, Inc. on a reduction in Worker's Compensation Insurance from \$507,000.00 to \$439,000.00; additionally, recognized Donnie Grice, Safety Coordinator and City staff for their hard work.

President Robinson thanked Mayor Sullivan.

Council President Robinson opened Public Participation for Agenda Items Number 5 – Number 14.

Gary Gover, 300 Lincoln Street, Fairhope, Alabama addressed Item No. 12 to award (Bid No. 23-018) for Wastewater Sludge Removal Services 2023 for the Wastewater Treatment Plant to GreenSouth Solutions, LLC with a total bid proposal of \$90.00 per cubic yard (estimated annual cost is \$600,000.00). Mr. Gover concerned with risks associated with microplastics and PFAS chemicals; measuring of quantities in sludge; adequately testing or getting feedback; and environmental consequences. Mr. Gover thanked the Council.

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Council President Robinson thanked Mr. Gover.

Council President Robinson closed Public Participation for Agenda Items Number 5 – Number 14.

Council President Robinson opened Council Comments.

Councilmember Burrell recognized Arts and Crafts as a favorite weekend of the year and commended the Arts and Crafts Committee, Public Works Department, Police Department, Staff, and everyone involved with this year's Arts and Crafts Festival; found a new artist at the festival and bought my wife a nice birthday present.

Councilmember Conyers additionally recognized the Arts and Crafts Festival as a favorite weekend of the year; acknowledged the Dogwood Court and made comment he was very proud of his daughter and her friends on court. Councilmember Conyers thanked City Staff and the Arts and Crafts Festival Board for a phenomenal job, great turnout.

Councilmember President Robinson and Councilmembers Martin and Boone had no comments.

Council President Robinson read ordinance to amend Zoning Ordinance No. 1253 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 State Highway 181 and State Highway 104. PPIN Number: 77558. (Introduced at the March 13, 2023 City Council Meeting).

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

Council President Robinson thanked Mr. Simmons.

Council President Robinson asked for Council comments.

Councilmember Burrell moved for final adoption of Ordinance No. 1772, an ordinance to amend Ordinance No. 1253 and to zone 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 State Highway 181 and State Highway 104. PPIN Number: 77558. (Introduced at the March 13, 2023 City Council Meeting). Seconded by Councilmember Conyers, motion for final adoption passed by the following voice votes: AYE – Burrell, Martin, Conyers, Robinson, and Boone. NAY - None.

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Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council approves the selection of Pyro Productions, Inc. as Professional Consultant for (RFQ PS23-017) the Design and Production of Fireworks Display for 4th of July 2023; and authorizes Mayor Sherry Sullivan to negotiate a fee schedule and establish a not-to-exceed limit with this firm. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

**RESOLUTION NO. 4708-23**

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

[1] That the City Council approves the selection of Pyro Productions, Inc. as Professional Consultant for (RFQ PS23-017) the Design and Production of Fireworks Display for 4th of July 2023; and authorizes Mayor Sherry Sullivan to negotiate a fee schedule and establish a not-to-exceed limit with this firm.

DULY ADOPTED THIS 22ND 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 Council approves the selection of GeoCon Engineering and Testing, Inc. to perform Professional Engineering for Special Inspections and Construction Materials Testing for the Water Treatment Plant No. 3 (RFQ No. PS23-018); and hereby authorizes Mayor Sherry Sullivan to negotiate a fee schedule and establish a not-to-exceed limit with this firm. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

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**RESOLUTION NO. 4709-23**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council approves the selection of GeoCon Engineering and Testing, Inc. to perform Professional Engineering for Special Inspections and Construction Materials Testing for the Water Treatment Plant No. 3 (RFQ No. PS23-018); and hereby authorizes Mayor Sherry Sullivan to negotiate a fee schedule and establish a not-to-exceed limit with this firm.

DULY ADOPTED THIS 22ND DAY OF MARCH, 2023

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 public improvements indicated herein for Overland Townhomes 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 Villas, LLC (the “Subdivider”). Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 4710-23**

**WHEREAS**, the Owners of Overland Townhomes desire to have the portions of Fairhope water and sewer system utilities dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Instrument Number 2050439 , and as shown on Exhibit A “Utility Easement” attached hereto be accepted for maintenance by the City of Fairhope, Alabama, and;

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

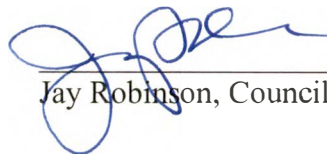
**WHEREAS**, the Water and Sewer Superintendent has indicated that the water and sewer system utilities meet City requirements, and;

**WHEREAS**, the City of Fairhope, Alabama, has received from the owners of Overland Townhomes, maintenance bonds for the water and sewer system utilities constructed for a period of two (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 Townhomes 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 Villas, LLC (the "Subdivider").

**BE IT FURTHER RESOLVED** this resolution of acceptance shall not obligate the City of Fairhope to maintain any utilities outside the limits of the attached Exhibit A in any of these developments.

Adopted this 22nd day of March, 2023



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 public improvements indicated herein for North Hills Phase 2 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 North

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Hills at Fairhope, LLC (the “Subdivider”). Seconded by Councilmember Conyers, passed unanimously by voice vote.

**RESOLUTION NO. 4711-23**

**WHEREAS**, the Owners of North Hills Phase 2 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 2875-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 North Hills Phase 2, 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 North Hills Phase 2 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 NORTH HILLS AT FAIRHOPE 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 22nd day of March, 2023

  
Jay Robinson, Council President

Attest:

  
Lisa A. Hanks, MMC  
City Clerk

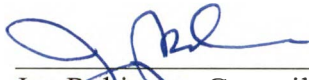
22 March 2023

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council authorizes and approves the hiring of an additional Building Inspector for the Building Department due to the increase in permits and construction. This position has already been approved along with the Job Description and Pay Grade 9. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

**RESOLUTION NO. 4712-23**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA,** That the City Council authorizes and approves the hiring of an additional Building Inspector for the Building Department due to the increase in permits and construction. This position has already been approved along with the Job Description and Pay Grade 9.

ADOPTED THIS 22ND DAY OF MARCH, 2023




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Jay Robinson, Council President

ATTEST:



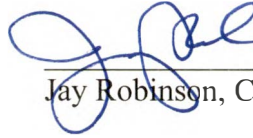
Lisa A. Hanks, MMC  
City Clerk

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 Amendment No. 1 to the Contract for Archaeology Monitoring for the Arts Alley Transit Hub Project (RFP No. 005-20) with TerraXplorations, Inc. to add additional services in the amount of \$10,000.00 which increases the not-to-exceed amount limit to \$20,000.00. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

**RESOLUTION NO. 4713-23**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA,** That Mayor Sherry Sullivan is hereby authorized to execute Amendment No. 1 to the Contract for Archaeology Monitoring for the Arts Alley Transit Hub Project (RFP No. 005-20) with TerraXplorations, Inc. to add additional services in the amount of \$10,000.00 which increases the not-to-exceed amount limit to \$20,000.00.

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DULY ADOPTED THIS 22ND DAY OF MARCH, 2023


Jay Robinson, Council President

Attest:


  
Lisa A. Hanks, NMC  
City Clerk

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution to award (Bid No. 23-018) for Wastewater Sludge Removal Services 2023 for the Wastewater Treatment Plant to GreenSouth Solutions, LLC with a total bid proposal of \$90.00 per cubic yard (estimated annual cost is \$600,000.00). Seconded by Councilmember Conyers, motion passed unanimously by voice vote. Councilmember Burrell addressed Mr. Gary Gover public comment on water testing. Jason Langley, Water/Wastewater Superintendent confirmed we meet all state and federal testing requirements and discussed process. Council President Robinson thanked Mr. Langley.

**RESOLUTION NO. 4714-23**

**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 for Wastewater Sludge Removal Services 2023 for the Wastewater Treatment Plant (Bid Number 23-018) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

GreenSouth Solutions, LLC	\$90.00 per cubic yard
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[3] After evaluating the bid proposals with the required bid specifications, GreenSouth Solutions, LLC, with the total bid proposal of \$90.00 per cubic yard (estimated annual cost is \$600,000.00), is now awarded the bid for Wastewater Sludge Removal Services 2023 for the Wastewater Treatment Plant.

Adopted on this 22nd day of March, 2023



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Jay Robinson, Council President


Attest:

  
Lisa A. Hanks, MMC  
City Clerk

City of Fairhope Bid Tabulation  
Bid No. 23-018 Wastewater Sludge Removal Services 2023  
Opened March 7, 2023 at 10:00 A.M.

	Bid Documents Signed / Notarized (Y/N)	Addendum Acknowledged (Y/N)	Bid Bond / Certificate (Y/N)	Vendor Compliance (Y/N)	Cost per Cubic Yard
GreenSouth Solutions, LLC	Y	Y	Y	Y	\$9000

Recommendation:  
To the best of my knowledge this is an accurate Bid Tabulation:  
  
Signature  
Jason Langley, Water/Wastewater Superintendent

  
Signature  
Erin Wolfe, Purchasing Manager

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has voted to purchase CivicClerk Agenda Management Program from CivicPlus with the initial cost of \$17,200.01; and the program is available for direct procurement through the Interlocal Purchasing System (“TIPS”) which has been nationally bid; and authorizes the Mayor to execute the Statement of Work for this purchase. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

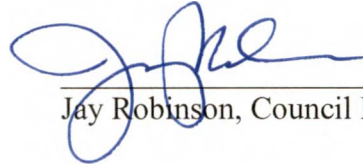
**RESOLUTION NO. 4715-23**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA,** That the City of Fairhope has voted to purchase CivicClerk Agenda Management Program from CivicPlus with the initial cost of

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\$17,200.01; and the program is available for direct procurement through the Interlocal Purchasing System (“TIPS”) which has been nationally bid; and authorizes the Mayor to execute the Statement of Work for this purchase.

Adopted on this 22nd day of March, 2023



Jay Robinson, Council President

Attest:



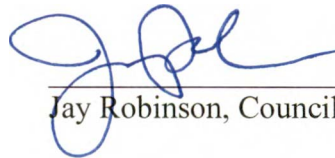
Lisa A. Hanks, MMC  
City Clerk

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is authorized to execute the proposed Memorandum of Understanding and negotiate a lease agreement to be brought back to Council for approval between the City of Fairhope and Dogwood BJE, LLC. Seconded by Councilmember Conyers, motion passed unanimously by voice vote. Councilmember Burrell thanked City Treasurer Kim Creech and Chief Stephanie Hollinghead for requested information received from last meeting.

**RESOLUTION NO. 4716-23**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE**, That Mayor Sherry Sullivan is authorized to execute the proposed Memorandum of Understanding and negotiate a lease agreement to be brought back to Council for approval between the City of Fairhope and Dogwood BJE, LLC.

Adopted on this 22nd day of March, 2023



Jay Robinson, Council President

Attest:



Lisa A. Hanks, MMC  
City Clerk

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Councilmember Martin moved to appoint Josh Warren and Debra Flowers to the Recreation Board for a four (4) year term which will expire March 2027. Seconded by Councilmember Conyers, motion passed unanimously by voice vote. Councilmember Burrell commented unanimous recommendation by board with a great choice of candidates.

Council President Robinson opened Public Participation.

Mayor Sherry Sullivan discussed the Community Meeting on March 21, 2023 hosted by the Fairhope Police Department on “the Dangers of Fentanyl” Why It Matters to You. There is a link on the Fairhope Police Department Facebook page of the meeting. She encouraged everyone to watch with their children.

Councilmember Martin discussed an architect from Tuskegee is scheduled to come down for a Work Session on Substation Park at Young Street and Nichols Street as previously presented by Dr. Lynn E. Yonge.

Councilmember Burrell made comment reference Substation Park if the fiber optics are not in demand he is interested in a park at location.

Jonathan Petty, P.E. and Hayden Kaiser, III, P.E. of Axis Engineering Group, 200 West Laurel Avenue, Suite 275, Foley, Alabama gave introduction of new Civil Engineering Firm in Baldwin County.

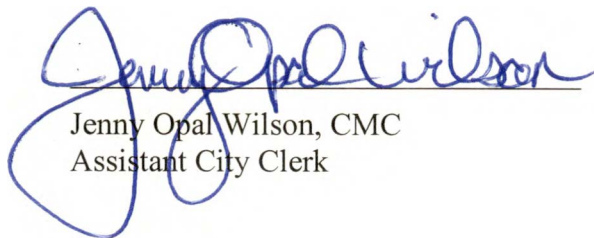
Councilmember Burrell moved to adjourn the meeting. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:25 p.m.



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Jay Robinson, Council President



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Jenny Opal Wilson, CMC  
Assistant City Clerk