

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, 10 April 2023.

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

There being a quorum present, Council President Robinson called the meeting to order at 6:05 p.m. The invocation was given by Reverend Dave Marnell of Jubilee Shores United Methodist Church, and the Pledge of Allegiance was recited. Councilmember Burrell moved to approve minutes of the 22 March 2023, regular meeting; and minutes of the 22 March 2023, work session. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Mayor Sullivan addressed the City Council and recognized Lieutenant Larry Sledge and the Fairhope Police Dispatchers for National Public Safety and Telecommunications Week with a proclamation that Lt. Sledge read.

No one spoke during Public Participation for Agenda Items.

Councilmember Conyers, Councilmember Boone, and Council President Robinson welcomed back City Clerk Lisa Hanks. Councilmember Boone gave her an “Atta girl.”

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Boone introduced in writing Ordinance No. 1773, an ordinance to rezone the property of Margaret and James Smith (containing 5.34 acres, more or less), from R-2 Medium Density Single-Family Residential District to R-1 Low Density Single-Family Residential District. The property is generally located east of Onyx Lane and north of Longleaf Lane, Fairhope, Alabama. PPIN Number: 80716. The Planning Commission gave a favorable recommendation of this ordinance. Council President Robinson read the proposed ordinance.

Planning Director Hunter Simmons briefly explained the proposed ordinance; and answered questions.

Council President Robinson opened the Public Hearing at 6:15 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:16 p.m.

10 April 2023

In order to take immediate action, Councilmember Burrell moved for immediate consideration. Seconded by Councilmember Conyers, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Martin, Conyers, Robinson, and Boone. NAY – None. Councilmember Burrell then moved for final adoption of Ordinance No. 1773. Seconded by Councilmember Conyers, motion for final adoption passed by the following voice votes: AYE – Burrell, Martin, Conyers, Robinson, and Boone. NAY – None.

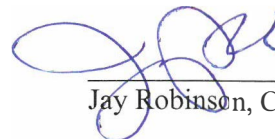
Councilmember Burrell introduced in writing Ordinance No. 1774, an ordinance to annex James Edward Smith and Margaret Ballard Smith (containing one acre, more or less), property located east of Onyx Lane and north of Longleaf Lane, Fairhope, Alabama. Part of PPIN Number: 82432. In order to take immediate action, Councilmember Burrell moved for immediate consideration. Seconded by Councilmember Boone, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Martin, Conyers, Robinson, and Boone. NAY – None. Councilmember Boone then moved for final adoption of Ordinance No. 1774. Seconded by Councilmember Burrell, motion for final adoption passed by the following voice votes: AYE – Burrell, Martin, Conyers, Robinson, and Boone. NAY – None.

Councilmember Martin 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, on behalf of its Police Department (“Fairhope PD”), and the University of South Alabama, on behalf of its Police Department (“USAPD”). Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4717-23

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”), and the University of South Alabama, on behalf of its Police Department (“USAPD”).

Adopted on this 10th day of April, 2023



Jay Robinson, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

10 April 2023

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 three methods listed on the resolution. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

RESOLUTION NO. 4718-23

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:

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:

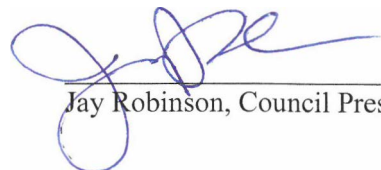
2011 Cadillac CTS vin: 1G6DA1ED1B0150530

Seized Vehicle with a Rebuilt/Salvage Title

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:

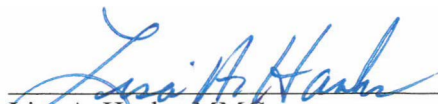
- a. Receiving bids for such property ("via GovDeals"). All such property shall be sold to the highest bidder, provided, however, that the City Council shall grant the authority to the Mayor to reject all bids when, in her opinion, she deems the bids to be less than adequate consideration for the personal property.
- b. Sold for scrap or recycle at the highest offered value.
- c. Disposal via landfill.

ADOPTED AND APPROVED THIS 10TH DAY OF APRIL, 2023



Jay Robinson, Council President

ATTEST:



Lisa A. Hanks, MMC
City Clerk

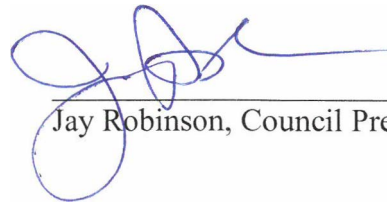
10 April 2023

Councilmember Burrell 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 with GeoCon Engineering & Materials Testing, Inc. for Special Inspections and Construction Materials Testing for Water Treatment Plant No. 3; (RFQ No. PS23-018) with a not-to-exceed amount of \$15,000.00. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

RESOLUTION NO. 4719-23

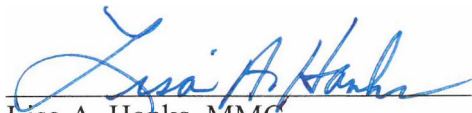
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Sherry Sullivan is hereby authorized to execute a contract with GeoCon Engineering & Materials Testing, Inc. for Special Inspections and Construction Materials Testing for Water Treatment Plant No. 3; (RFQ No. PS23-018) with a not-to-exceed amount of \$15,000.00.

DULY ADOPTED THIS 10TH DAY OF APRIL, 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 Mayor Sherry Sullivan is hereby authorized to execute a contract with Pyro Productions, Inc. for Professional Consulting Design and Production for Fourth of July Fireworks; (RFQ No. PS23-017) with a not-to-exceed amount of \$40,000.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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10 April 2023

RESOLUTION NO. 4720-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Sherry Sullivan is hereby authorized to execute a contract with Pyro Productions, Inc. for Professional Consulting Design and Production for Fourth of July Fireworks; (RFQ No. PS23-017) with a not-to-exceed amount of \$40,000.00.

DULY ADOPTED THIS 10TH DAY OF APRIL, 2023



Jay Robinson, Council President

Attest:



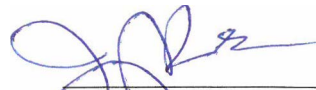
Lisa A. Hanks, MMC
City Clerk

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is hereby authorized to execute a contract with Volkert, Inc. to perform Professional Engineering Services for Utilities Relocation for Baldwin County’s County Road 64 Widening Project (RFQ PS23-13) with a not-to-exceed amount of \$100,000.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote. Councilmember Burrell mentioned that this is 100 percent reimbursable.

RESOLUTION NO. 4721-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Sherry Sullivan is hereby authorized to execute a contract with Volkert, Inc. to perform Professional Engineering Services for Utilities Relocation for Baldwin County’s County Road 64 Widening Project (RFQ PS23-13) with a not-to-exceed amount of \$100,000.00.

DULY ADOPTED THIS 10TH DAY OF APRIL, 2023



Jay Robinson, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

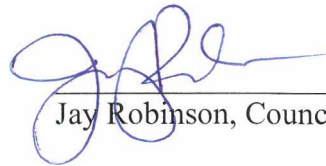
10 April 2023

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is hereby authorized to execute Change Order No. 1 for (Bid No. 23-007-2023-PW-009) Construction of Pickleball Courts for the Quail Creek Golf Course for the installation of a new 10' fence system with a cost of \$10,983.00 and to award Change Order No. 1 to American Tennis Courts, Inc. The new contract total will be \$125,502.00. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

RESOLUTION NO. 4722-23

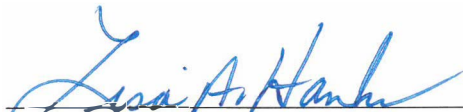
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Sherry Sullivan is hereby authorized to execute Change Order No. 1 for (Bid No. 23-007-2023-PW-009) Construction of Pickleball Courts for the Quail Creek Golf Course for the installation of a new 10' fence system with a cost of \$10,983.00 and to award Change Order No. 1 to American Tennis Courts, Inc. The new contract total will be \$125,502.00.

Adopted on this 10th day of April, 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 to Reject all bids for the Foundation/Slab for 50'x100' Pre-Engineered Metal Building Truck Shed (Bid No. 23-019-2023-PWI-007S) due to excessive cost and to construct the foundation/slab in house. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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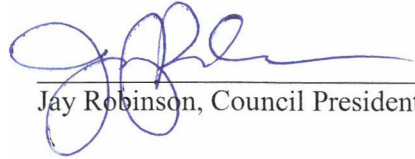
10 April 2023

RESOLUTION NO. 4723-23

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

[1] That the bids for the Foundation/Slab for 50'x100' Pre-Engineered Metal Building Truck Shed (Bid No. 23-019-2023-PWI-007S) are hereby rejected due to excessive cost and to construct the foundation/slab in house.

ADOPTED ON THIS 10TH DAY OF APRIL, 2023



Jay Robinson, Council President

ATTEST:



Lisa A. Hanks, MMC
City Clerk

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope authorizes the Mayor to submit a letter to AMEA requesting \$20,000.00 to be used for operating an Entrepreneurial Development Center in partnership with the Baldwin Community and Economic Foundation the 501c3 arm of the Baldwin County Economic Development Alliance, the University of Alabama and Coastal Alabama Community College. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4724-23

WHEREAS, the City of Fairhope is desirous to continue its partnership with the Baldwin Community and Economic Foundation the 501c3 arm of the Baldwin County Economic Development Alliance and the University of Alabama to operate an Entrepreneurial Development Center in space provided by and in conjunction with PNC Bank; and

WHEREAS, Hatch a technology entrepreneurial development center located in Fairhope, AL, successfully engages tech-entrepreneurs at its location in PNC building. To date, Hatch with partners at the University of Alabama and Coastal Alabama Community College has assisted numerous entrepreneurs. Because of Hatch capital has been raised, technology is developing, and a vibrant tech entrepreneurial eco-system is growing. Hatch continues to be a resource for technology-driven entrepreneurs seeking to grow their ideas, technology, and companies in Fairhope, Alabama; and

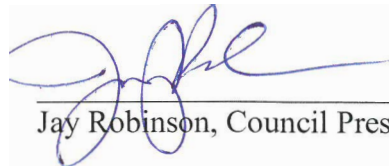
10 April 2023

WHEREAS, there is funding available for said project through a Community Development Grant from AMEA totaling \$20,000.00; and

WHEREAS, the AMEA grant does not require a match, but does require a letter requesting the grant with an outline of the purpose and intended community/economic development project, program and/or initiative.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope authorizes the Mayor to submit a letter to AMEA requesting \$20,000.00 to be used for operating an Entrepreneurial Development Center in partnership with the Baldwin Community and Economic Foundation the 501c3 arm of the Baldwin County Economic Development Alliance, the University of Alabama and Coastal Alabama Community College.

DULY ADOPTED THIS 10TH DAY OF APRIL, 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 to procure a New Sound System and installation for the Nix Center; and the item is available for direct procurement through the National Cooperative Purchasing Alliance (“NCPA”) which has been nationally bid; and therefore, does not have to be let out for bid. The total cost will be \$34,510.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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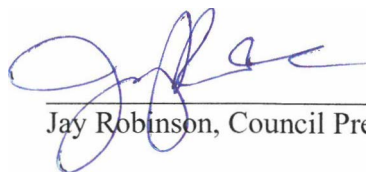
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10 April 2023

RESOLUTION NO. 4725-23

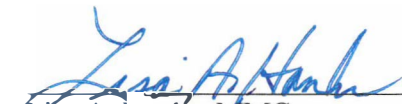
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City of Fairhope has voted to procure a New Sound System and installation for the Nix Center; and the item is available for direct procurement through the National Cooperative Purchasing Alliance (“NCPA”) which has been nationally bid; and therefore, does not have to be let out for bid. The total cost will be \$34,510.00.

Adopted on this 10th day of April, 2023



Jay Robinson, Council President

Attest:

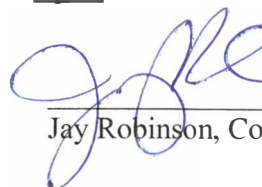

Lisa A. Hanks, MMC
City Clerk

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the procurement for the Annual Software Support Renewal of the Records Management System which consists of five components for the Police Department pursuant to Code of Alabama 1975, Section 41-16-51(a)15. The total annual cost is \$21,921.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4726-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City of Fairhope approves the procurement for the Annual Software Support Renewal of the Records Management System which consists of five components for the Police Department pursuant to Code of Alabama 1975, Section 41-16-51(a)15. The total annual cost is \$21,921.00.

Adopted on this 10th day of April, 2023



Jay Robinson, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

10 April 2023

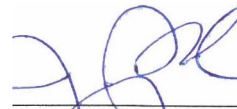
Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the procurement for the addition of General Billing to the Munis Financial System from Tyler Technologies a Sole Source Provider. The total cost for implementation and the first year of service is \$8,644.00; and for excess funds to come from the Log Management line item. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

RESOLUTION NO. 4727-23

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

[1] That the City of Fairhope approves the procurement for the addition of General Billing to the Munis Financial System from Tyler Technologies a Sole Source Provider. General Billing will be used by the Finance, Treasury and Revenue Departments for creating invoices and bills for miscellaneous charges. The total cost for implementation and the first year of service is \$8,644.00; and for excess funds to come from the Log Management line item.

Adopted on this 10th day of April, 2023



Jay Robinson, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Martin moved to appoint Bryan Flowers to the Parking Authority for a four-year term which will expire April 2027. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

City Council reviewed an application for a Special Events License (Alcoholic Beverage License) by Thomas Bratton McGregor d/b/a Bottles Up Mobile Inc. for the Crawfish Derby 2023 located at 14210 Greeno Road (Oak Hollow Farm Inc.), Fairhope, Alabama on May 6, 2023. Councilmember Martin moved to approve the issuance of the license. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

10 April 2023

No one spoke during Public Participation for Non-Agenda Items.

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 legal ramifications of and legal options for pending litigation; and controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action. The approximate time to be in Executive Session is 50 minutes. Councilmember Conyers moved to go into Executive Session. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

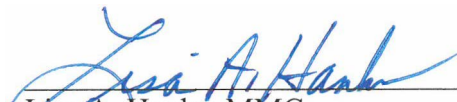
Exited the dais at 6:26 p.m. Returned at 6:51 p.m.

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 6:51 p.m.



Jay Robinson, Council President



Lisa A. Hanks, MMC
City Clerk