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, 8 May 2023.

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

There being a quorum present, Council President Robinson called the meeting to order. The invocation was given by Dr. Eric Hankins of First Baptist Church Fairhope and the Pledge of Allegiance was recited. Councilmember Conyers moved to approve minutes of the 24 April 2023, regular meeting; and minutes of the 24 April 2023, work session. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Mayor Sullivan addressed the City Council and recognized May as National Tennis Month with a proclamation. Tomas Catar (Tennis Professional) and Mary Gammer (tennis member) accepted the proclamation. Mr. Catar thanked the Mayor Sullivan and City Council for their support; and commented we have a great Tennis Center.

Mayor Sullivan recognized the Alabama Municipal Electric Authority ("AMEA") Scholarship recipients for 2023 with each receiving \$2,500.00. To be eligible for an AMEA scholarship, a student's parent and/or legal guardian must receive electric services from an AMEA Member utility, and the student must attend a four-year college/university, community college, and/or vocational school within the State of Alabama. The AMEA scholarship recipients are Delaney Shawn Hart, Brayden Alberto Mahateker, Hannah Maren Markioli, and Richard Winston Smith, Jr.

Mayor Sullivan said she attended the Power Supply Conference last week and the Fairhope Public Utilities were recognized for their reliable Electric service; and were also nationally recognized by the American Public Power Association ("APPA") for cost effective reliable service.

Mayor Sullivan also recognized the Junior City Councilmembers and the efforts throughout this year; and for their dedication to the City of Fairhope. She gave plaques to the senior members: Ava Cocke and Ellery Scott. She said the other two seniors would be given their plaques at a later date.

The following individuals spoke during Public Participation for Agenda Items:

1) Jimmy Prestwood, Board President of the Eastern Shore Art Association d/b/a Eastern Shore Art Center, addressed the City Council regarding Agenda Item Number 19: a request for the use and closure of Oak Street between Section and Bancroft Streets for their annual fundraiser event, "5th Annual White Linen Night," on May 18, 2023 from 5:00 p.m. to 11:00 p.m.; and permission to serve alcohol during this event.

Councilmember Burrell stated he was glad to hear Richard Johnson's roof presentation; and the reduction in costs.

Councilmember Conyers commented about the Eastern Shore Repertory Theatre's production of Beauty and the Beast; and said it was a great show.

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution the City Council approves the Compensation and Job Classification Plan for the Snack Bar Crew Leader, Grade of Pay 5 and to defund one Snack Bar Attendant position, Grade of Pay 3 in the Golf Department. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4740-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council approves the Compensation and Job Classification Plan along with the Grade Order Sheet be amended and approved to fund and defund specific job positions in the Golf Department; and the job descriptions and grade of pay for same:

Fund:	Job Positions	Grade of Pay		
	Snack Bar Crew Leader	5		
Defund:	Snack Bar Attendant	3		

ADOPTED THIS 8TH DAY OF MAY, 2023

Jay Robinson, Council President

ATTEST:

Vies A. Hanks, MMC City Clerk

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution with additional items, 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. Council President Robinson read the additional items to be added to the surplus list. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

RESOLUTION NO. 4741-23

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:

[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 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 8TH DAY OF MAY, 2023

Jay Robinson, Council President

ATTEST:

isa A. Hanks, MMO

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RECOMMENDED DISPOSITION	OESCRIPTION	М	L EAGE	YEAR	VIN NAMBER
GOV DEAL	2 TREADWILS				_
SOV DEAL	1 SQUAT MACHINE				
GOV DEAL	CLARCK FLOOR SCRUB				
SOV DEAL	,SCATA CONTROLLERS				_
GOV DEAL	B'CYCLES & RACK (5)				-
SOV DEAL	FOFFICE FURNITURE				
GOV DEAL	GOMPUTER EQUIPMENT				
OV DEAL	BAKC:APPER-FOLEY GRINDER				
SOV DEAL	DRILL PRESS (CRAFTSWAN)				_
SOV DEAL	EX GO 32				
SOV DEAL	PLOTTER				
GOV DEAL	AIR CONDITIONER				
GOV DEAL	AIR COMPRESSOR				
SOV DEAL	COMPUTER RACK				
SOV DEAL	2 GASPOWER VENT FANS				
BOV DEAL	LASY PICKER GOLF	-			
30V DEAL	HUNG CABRET				
30V DEAL	AIR COMPRESSOR				
30V DEAL	SYSTEM 1 PARTS CLEANER-RE 500		-		1990 16
BOV DEAL	HYDRO BLAST PARTS CLEANER/STFAV				~ 10.75
SOV DEAL	STEAM CLEANER				All Plans
GOV DEAL	RIFAD BLASTER				
GOY DEAL	FIAND SAW				
SOV DEAL	SHUTTERS (12)				
SOV DEAL	SS CABINET				
SOV DEAL	BILLY GOAT VACCUUM				
GOV DEAL	VARIOUS ELECTRICAL CONTROLLERS/RELAYS				
SOV DEAL	STREET LIGHTS				
SOV DEAL	FORD F250			2011	1FD7x2A628EB05360
GOV DEAL	BLUE MILITARY DUMP TRAILER			2011	
BOV DEAL	CUSHVAN BALL RETREVIAL CART HALLER 800				\$
BOVDEAL	SCORE BOARD				
GOV DEAL	OTC GENYSIS DIAGNOSTIC				
SOV DEAL	BOSCH VCI DIAGNOSTIC				
GOV DEAL	ICL MACHINE MANITOWAC				
GOV DEAL	EZ PICKER GOLF PRODUCTION COM OPERATED				
SOV DEAL	LASTEC ARTICULATING LOWER \$21XR				
BOV DEAL	STREET/IRAFFOMIGH BAY LIGHTS		-		
GOV DEAL	EZ GO GOLF CART				
GOV DEAL	FREIGHTLINER GARBAGE TRUCK				1FVAG3CY8FHGD8237
VENDOR	1 - GE 410 KVA VOLTAGE REGLAATOR				3/1900/10/11900/10/1
VENDÔR	IS - SEMENS 416 KVA VOLTAGE REGULATOR				
VENDOR	U.S. TRANSFORMER - SUBSTATION 2.327 GAL CUCU	WINDINGS			
VENDÔR	U.S. THANSFORMER - SUBSTATION 2,327 GAL ALICUT		_		

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution the City Council hereby approves and authorizes the City of Fairhope to execute a Memorandum of Understanding between AltaPointe Health Systems, Inc. and the Fairhope Police Department for administration of pre-employment screenings. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

RESOLUTION NO. 4742-23

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 AltaPointe Health Systems, Inc. and the Fairhope Police Department for administration of preemployment screenings.

ADOPTED ON THIS 8TH DAY OF MAY, 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 Mayor Sherry Sullivan is hereby authorized to execute a Municipal Lease Agreement between the City of Fairhope, Alabama ("Tenant") and 329 S Greeno, LLC ("Landlord") for use of the Suite A, or front portion of the Building A one-way exit through Suite B or the rear portion of the Building shall be available to Tenant as an emergency. The Building is located at 329 South Greeno Road, Fairhope, Alabama consisting of approximately 12,000 square feet. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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RESOLUTION NO. 4743-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF **FAIRHOPE**, that Mayor Sherry Sullivan is hereby authorized to execute a Municipal Lease Agreement between the City of Fairhope, Alabama ("Tenant") and 329 S Greeno, LLC ("Landlord") for use of the Suite A, or front portion of the Building A one-way exit through Suite B or the rear portion of the Building shall be available to Tenant as an emergency. The Building is located at 329 South Greeno Road, Fairhope, Alabama consisting of approximately 12,000 square feet, together with all of the common areas, appurtenances, privileges, licenses, and easements pertaining thereto. Tenant shall pay rent to Lessor of seven thousand five hundred (\$7,500.00) dollars per month with an annual three percent (3%) increase on each anniversary of the Commencement Date. The term of the lease shall be 48 months commencing on the Commencement Date, unless earlier terminated as provided in lease. Tenant shall have access to Premises during business hours beginning 60 days prior to Commencement date for Tenant Improvements and installation of Tenant's furniture, fixtures and equipment, cabling, security, etc. All other terms and conditions are set forth in the lease agreement.

Adopted on this 8th day of May, 2023

Jay Robinson, Council President

Attest:

City Clerk

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 O'Donnell & Associates, Inc. to perform Professional Services for Professional Hydrogeologic and Environmental Services for Well Fields 1, 3, and 4 (RFQ PS23-020) with a not-to-exceed amount of \$16,200.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4744-23

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 O'Donnell & Associates, Inc. to perform Professional Services for Professional Hydrogeologic and Environmental Services for Well Fields 1, 3, and 4 (RFQ PS23-020) with a not-to-exceed amount of \$16,200.00.

DULY ADOPTED THIS 8TH DAY OF MAY, 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 Mayor Sherry Sullivan is hereby authorized to execute a contract with O'Donnell & Associates, Inc. to perform Professional Services for Remote Groundwater Level Monitoring as part of the Fairhope Water System Planning Project Phase 1 (RFQ PS23-021) with a not-to-exceed amount of \$13,500.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. <u>4745-23</u>

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 O'Donnell & Associates, Inc. to perform Professional Services for Remote Groundwater Level Monitoring as part of the Fairhope Water System Planning Project Phase 1 (RFQ PS23-021) with a not-to-exceed amount of \$13,500.00.

DULY ADOPTED THIS 8TH DAY OF MAY, 2023

Jay Robinson, Council President

Attest:

isa A. Halks, MMC City Clerk

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution the City Council approves the selection of Cavanaugh MacDonald Consulting, LLC to perform Professional Consulting Services to Prepare Actuarial Valuation for the City's OPEB Liability for fiscal year ending 09-30-23, and hereby authorizes Mayor Sherry Sullivan to execute a Contract with an estimated amount of \$10,000.00. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

RESOLUTION NO. 4746-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council approves the selection of Cavanaugh MacDonald Consulting, LLC to perform Professional Consulting Services to Prepare Actuarial Valuation for the City's OPEB Liability for fiscal year ending 09-30-23, and hereby authorizes Mayor Sherry Sullivan to execute a Contract with an estimated amount of \$10,000.00.

DULY ADOPTED THIS 8TH DAY OF MAY, 2023

Jay Robinson, Council President

Attest:

City Clerk

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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 Amendment No. 1 to the Contract for Professional Engineering Services for Asbestos Inventory and Abatement Plan at the K-1 Center (RFQ PS022-22) with Southern Earth Sciences, Inc. to add additional services in the amount of \$12,450.00 which increases the not-to-exceed amount limit to \$22,850.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4747-23

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 Professional Engineering Services for Asbestos Inventory and Abatement Plan at the K-1 Center (RFQ PS022-22) with Southern Earth Sciences, Inc. to add additional services in the amount of \$12,450.00 which increases the not-to-exceed amount limit to \$22,850.00.

DULY ADOPTED THIS 8TH DAY OF MAY, 2023

son, Council President

Attest:

City Clerk

Councilmember Boone 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. 2 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 \$25,000.00 which increases the not-to-exceed amount limit to \$45,000.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4748-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Sherry Sullivan is hereby authorized to execute Amendment No. 2 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 \$25,000.00 which increases the not-to-exceed amount limit to \$45,000.00.

DULY ADOPTED THIS 8TH DAY OF MAY, 2023

Robinson, Council President

Attest:

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution to Award Bid for Spray Foam Insulation at Recreation Center Gymnasium for the Recreation Department (Bid No. 23-020) to APC Spray Foam, LLC with a total bid cost of \$88,783.00. Seconded by Councilmember Convers, motion passed unanimously by voice vote.

RESOLUTION NO. 4749-23

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 Spray Foam Insulation at Recreation Center Gymnasium (Bid No. 23-020) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.
- [2] At the appointed time and place, a bid was received and tabulated as follows:

APC Spray Foam, LLC

\$ 88,783.00

Builder Service Group, Inc. d/b/a Coastal Insulation

\$110,307.00

[3] After evaluating the bid with the required specifications, APC Spray Foam, LLC is now awarded (Bid No. 23-020) for Spray Foam Insulation at Recreation Center Gymnasium with a total bid proposal not-to-exceed \$88,783.00.

ADOPTED ON THIS 8TH DAY OF MAY, 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 Mayor Sherry Sullivan is hereby authorized to execute Amendment No. 1, Option No. 1, for (Bid No. 23-009) Founders Park Athletic Track and Additional Parking Project for the replacement of the 720 \pm linear feet that has failed with a cost of \$235,224.70 with McElhenney Construction. The new contract total will be \$2,715,904.75. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4750-23

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 Option No. 1 for (Bid No. 23-009) Founders Park Athletic Track and Additional Parking Project for the replacement of the 720 ± linear feet that has failed with a cost of \$235,224.70 with McElhenney Construction. The new contract total will be \$2,715,904.75.

Adopted on this 8th day of May, 2023

Jay Robinson, Council President

Attest:

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 Change Order No. 1 for (Bid No. 23-012-2023-PWI-008) Roadway and Parking Improvements Project at Volanta Sports Park with a cost of \$10,119.55 and to award Change Order No. 1 to McElhenney Construction Company. The new contract total will be \$467,579.26. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

RESOLUTION NO. 4751-23

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. 23-012-2023-PWI-008) Roadway and Parking Improvements Project at Volanta Sports Park with a cost of \$10,119.55 and to award Change Order No. 1 to McElhenney Construction Company. The new contract total will be \$467,579.26.

ADOPTED ON THIS 8TH DAY OF MAY, 2023

lay Robinson, Council President

Attest:

Lisa A. Hanks, MMC

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Sherry Sullivan to inform and submit the Municipal Water Pollution Prevention Program (MWPP) Report for 2022 to the Department of Environmental Management. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4752-23

MUNICIPAL WATER POLLUTION PREVENTION (MWPP) PROGRAM

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Sherry Sullivan is hereby authorized to inform the Department of Environmental Management that the following actions were taken by the City Council of the City of Fairhope, Alabama.

- 1. Reviewed the MWPP Annual Report which is attached to the resolution.
- 2. Set forth the following actions and schedule necessary to maintain effluent requirement contained in the NPDES Permit, and to prevent the bypass and overflow of raw sewage within the collection system or at the treatment plant:
 - (a) Continue to locate and repair breaches in the collection system that allow infiltration and flow into the wastewater system.
 - (b) Continue to upgrade transmission capacity to keep pace with growth.
 - (c) Continue to develop maintenance alarms within the SCADA System that encourage a proactive maintenance response to prolong the useful life of pumps and motors in the system.
 - (d) Use the SCADA System using system storage and future side stream storage systems when available.
 - (e) Continue to perform O & M requirements to the treatment and collection system and complete repairs when discovered.

Adopted this 8th day of May, 2023

Jay Robinson, Council President

Attest:

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council hereby authorizes and approves the request from the Fairhope Avenue Merchants to close Fairhope Avenue from Section Street to Church Street for "First Friday Artwalk" at 5:00 p.m. and reopen after Artwalk. Seconded by Councilmember Conyers, motion passed unanimously by voice vote. Council President Robinson stated this was a test and we will monitor for at least three months. He said we need to keep an eye on it.

RESOLUTION NO. 4753-23

BE IT HEREBY RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council hereby authorizes and approves the request from the Fairhope Avenue Merchants to close Fairhope Avenue from Section Street to Church Street for First Friday Artwalk at 5:00 p.m. and reopen after Artwalk.

BE IT FURTHER RESOLVED, That all streets that are closed for First Friday Artwalk are intended for pedestrians safety and our Downtown Merchants, therefore, no other merchants, vendors, etc. shall set up on City streets or sidewalks. Bands are approved on private property.

ADOPTED ON THIS 8TH DAY OF MAY, 2023

Jay Rodinson, Council President

Attest:

Lisa A. Hanks, MMC

City Clerk

Councilmember Conyers moved to grant the request of James Prestwood, Board President of The Eastern Shore Art Association d/b/a Eastern Shore Art Center requesting the use and closure of Oak Street between Section and Bancroft Streets for their annual fundraiser event, "5th Annual White Linen Night," on May 18, 2023 from 5:00 p.m. to 11:00 p.m.; and permission to serve alcohol during this event. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

Councilmember Burrell moved to reappoint Lisa Atchley and Scott Berry to the Recreation Board for a five-year term which will expire May 2028. Seconded by Councilmember Convers, motion passed unanimously by voice vote.

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; and 36-25A-7(a)(6) to discuss the consideration the City is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. Provided, however, that the material terms of any contract to purchase, exchange, or lease real property shall be disclosed in the public portion of a meeting prior to the execution of the contract. The approximate time to be in Executive Session is 45 minutes. Councilmember Burrell moved to go into Executive Session. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Exited the dais at 6:37 p.m. Returned at 7:10 p.m.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 7:10 p.m.

Jay Robinson, Council President