

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, 22 May 2023.

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

There being a quorum present, Council President Robinson called the meeting to order. The invocation was given by Councilmember Kevin Boone and the Pledge of Allegiance was recited.

Council President Robinson stated there was a need to add on an agenda item after Agenda Item Number 16: a resolution that Mayor Sherry Sullivan is hereby authorized to execute Change Order No. 1 for (Bid No. 23-016-COF-2023-EDA001A) Asbestos Abatement Fairhope K-1 Center with a cost of \$6,000.00 and to award Change Order No. 1 to Hernandez Demolition and Remediation, LLC. The new contract total will be \$70,028.40.

Councilmember Conyers moved to add on the above-mentioned item not on the printed agenda. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

Councilmember Conyers moved to approve minutes of the 08 May 2023, regular meeting; and minutes of the 08 May 2023, work session. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Mayor Sullivan addressed the City Council and presented a proclamation to Public Works Director Richard Johnson for National Public Works Week and reminded everyone of the cookout tomorrow.

No one spoke during Public Participation for Agenda Items.

Council President Robinson recognized Ella McDowell and presented her a plaque for her service on the Junior City Council.

22 May 2023

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Conyers introduced in writing an ordinance to rezone the property of Applicant, Clifford Street, Jr., acting on behalf of the Owner, Clifford Street and Jean Street as Trustees of the Street Living Trust Dated July 27, 2005, from R-1, Low Density Single-Family to Highway Transitional District (HTD).

The property is approximately 3.54 acres and is located on the west side of Greeno Road, on either side of the eastern terminus of Farrington Boulevard. PPIN Numbers: 267236, 257637, 356677 and 356679. 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 6:11 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:12 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the June 12, 2023 City Council meeting.

Planning Director Hunter Simmons addressed the City Council to explain the Site Plan Review of property owned by Encounter Development, LLC, for Site Plan Approval of WAWA. The property is approximately 2.73 acres and is located on Northeast corner of State Highway 181 and State Highway 104. PPIN Number 108453. Staff and Planning Commission recommend conditional approval of SR 23.04 with the following conditions: 1) A photometric plan shall be submitted and approved prior to applying for a building permit; and 2) Light poles shall be limited to 10' in height.

Councilmember Conyers moved to approve the Site Plan property owned by Encounter Development, LLC listed above subject to the above recommendations. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is authorized to execute Extension No. 1 to (Bid No. 028-22) Disaster Debris Removal and Disposal to CrowderGulf, LLC with all terms and conditions of award until July 31, 2024. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

22 May 2023

RESOLUTION NO. 4754-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Sherry Sullivan is hereby authorized to execute Extension No. 1 for (Bid No. 028-22) Disaster Debris Removal and Disposal. The original contract was executed on August 1, 2022 and awarded to CrowderGulf, LLC. The request for Extension No. 1 will extend the referenced contract until July 31, 2024. CrowderGulf has agreed to Extension No. 1 with all terms and conditions of the bid award.

ADOPTED ON THIS 22ND DAY OF MAY, 2023


Jay Robinson, Council President

Attest:

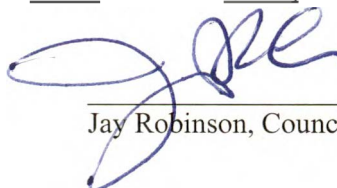


Lisa A. Hanks, MMC
City Clerk

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is authorized to execute Amendment No. 1 to (Bid No. 23-015) Irrigation Pump System Control Panel Replacement for Quail Creek Golf Course to Jerry Pate Company for an additional \$11,682.25, total not-to-exceed \$41,778.75. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4755-23

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 (Bid No. 23-015) Irrigation Pump System Control Panel Replacement for Quail Creek Golf Course to Jerry Pate Company for an additional \$11,682.25. The total cost will not-to-exceed \$41,778.75.

ADOPTED ON THIS 22ND DAY OF MAY, 2023


Jay Robinson, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

22 May 2023

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution to award (Bid No. 23-022-2023-PW-010) Repair and Replacement of Modified Bituminous and Gravel Roof at City Hall/Civic Center to Finishing Solutions with total not-to-exceed \$554,654.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote. Councilmember Conyers said this is a huge savings from where we started.

RESOLUTION NO. 4756-23

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 (Bid No. 23-022-2023-PWI-010) Repair and Replacement of Modified Bituminous and Gravel Roof 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:

Alabama Roofing & Sheet Metal Co., Inc.	\$ 631,959.00
E. Cornell Malone Corporation	\$1,165,680.00
Finishing Solutions	\$ 554,654.00
Mid-Western Commercial Roofers, Inc.	\$ 772,950.00
Roof Doctors of Alabama	\$ 700,840.00

[3] After evaluating the bids with the required specifications, Finishing Solutions is now awarded (Bid No. 23-022-2023-PWI-010) for Repair and Replacement of Modified Bituminous and Gravel Roof with a total bid proposal not-to-exceed \$554,654.00.

ADOPTED ON THIS 22ND DAY OF MAY, 2023



Jay Robinson, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

22 May 2023

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution to award (Bid No. 23-025-2022-PWI-007) Fairhope Clock Plaza to RH Deas Building Co., LLC with total not-to-exceed \$282,211.00, which includes a 10% contingency and Alternate 01. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4757-23

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

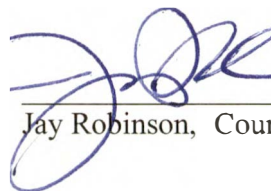
[1] That the City of Fairhope did request, receive, and open bids for (Bid No. 23-025-2022-PWI-007) Fairhope Clock Plaza at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

RH Deas Building Co., LLC	\$282,211.00
The Green-Simmons Co., Inc.	\$390,600.00
Impact Divisions, LLC	\$316,000.00

[3] After evaluating the bids with the required specifications, RH Deas Building Co., LLC is now awarded (Bid No. 23-025-2022-PWI-007) for Fairhope Clock Plaza with a total bid proposal not-to-exceed \$282,211.00, which includes a 10% contingency and Alternate 01.

ADOPTED ON THIS 22ND DAY OF MAY, 2023



Jay Robinson, Council President

Attest:



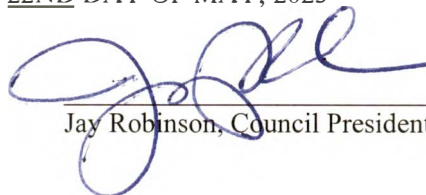
Lisa A. Hanks, MMC
City Clerk

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution to award quote for procurement and installation of Ten (10) Foot Dump Body on an International 4300 Truck to Truck Equipment Sales, Inc. with total not-to-exceed of \$21,882.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

22 May 2023

RESOLUTION NO. 4758-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City of Fairhope did solicit quotes for the Procurement and Installation of a Ten (10) Foot Dump Body. After evaluating the quotes with the required specifications, Truck Equipment Sales, Inc. is now awarded the Procurement and Installation of a Ten (10) Foot Dump Body on an International 4300 Truck with a not-to-exceed total amount of \$21,882.00.

ADOPTED ON THIS 22ND DAY OF MAY, 2023


Jay Robinson, Council President

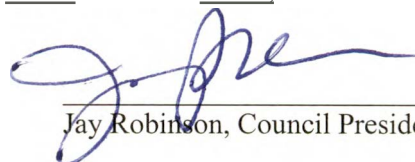
Attest:


Lisa A. Hanks, MMC
City Clerk

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution to approve the procurement for Intelligence-Led Policing Sensor Kits for the Police Department from ProTecVideo, LLC as sole source provider of the tag.NET program; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13). Total will not-to-exceed \$20,000.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4759-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City of Fairhope has voted to approve the procurement for Intelligence-led Policing Sensor Kits for the Police Department from ProTecVideo, LLC as sole source provider of the tag.NET program; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13). The total amount will not-to-exceed \$20,000.00; and Budget needs to be moved from 001150-50340 General Supplies to 001150-50470 Vehicle and Equipment.

ADOPTED ON THIS 22ND DAY OF MAY, 2023


Jay Robinson, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

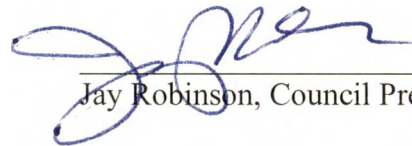
22 May 2023

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution to approve and authorize Mayor Sherry Sullivan to execute a Memorandum of Agreement between the Alabama Law Enforcement Agency and the City of Fairhope Police Department to establish a joint multi-agency working group known as the Alabama Internet Crimes Against Children Task Force to combat exploitation of children through the use of the internet and other electronic means. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4760-23


BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby approves and authorizes Mayor Sherry Sullivan to execute a Memorandum of Agreement between the Alabama Law Enforcement Agency, and the City of Fairhope Police Department to establish a joint multi-agency working group known as the Alabama Internet Crimes Against Children Task Force to combat exploitation of children through the use of the internet or other electronic means.

ADOPTED ON THIS 22ND DAY OF MAY, 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 to apply for grant funding under the Alabama Recycling Fund in support of the Baldwin County Material Recovery Facility; and all grant funds awarded by said application will be given to the Baldwin County Commission or Baldwin County Solid Waste for exclusive purpose of supporting the Baldwin County Material Recovery Facility. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

22 May 2023

RESOLUTION NO. 4761-23

**A RESOLUTION OF BINDING AGREEMENT
FOR SEEKING ADEM GRANT FUNDING FOR THE
BALDWIN COUNTY MATERIAL RECOVERY FACILITY**

WHEREAS, the City of Fairhope through a dynamic Recycling Program, recognizes the importance of protecting and preserving our natural resources, and works to make the world a better place by adopting conscientious living habits that will improve our daily lives and bring about a cleaner, safer and healthier environment; and

WHEREAS, the City of Fairhope has undertaken many positive and successful waste reduction programs that have helped make the City of Fairhope a recycling leader, however, we can further reduce waste and recycle even more; and

WHEREAS, local community and county recycling leaders have come together to join in a discussion of a concentrated cooperative effort to share resources to maximize the environmental and economic value of county-wide recycling; and

WHEREAS, local community and county recycling leaders, working together, are building a Baldwin County Material Recovery Facility; and

WHEREAS, the City of Fairhope has adopted Resolution No. 4155-21, supporting a Baldwin County Recycling Cooperative; and

WHEREAS, the City of Fairhope, along with other municipalities in Baldwin County, are working with Baldwin County Solid Waste as the lead local agency to expedite the critical need to maximize our recycling efficiency and commodity value through a cooperative effort; and

WHEREAS, Baldwin County Solid Waste has begun the process of the engineering design of a state-of-the-art Materials Recovery Facility (“MRF”) to be located adjacent to the Magnolia Landfill and to serve the recycling needs of all of Baldwin County; and

WHEREAS, this new regional MRF is critical to the future viability and growth of recycling in Baldwin County and the ability of the State of Alabama to achieve its recycling goals, as established by the Alabama Department of Environmental Management (“ADEM”); and

22 May 2023

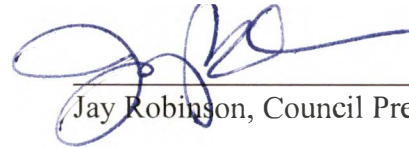
WHEREAS, the Alabama Recycling Fund was created by the Alabama Legislature and administered by ADEM to provide grant funding to local governments to develop, implement, and enhance local recycling projects and programs pursuant to § 22-27-17, *Code of Alabama*, (1975).

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, WHILE IN REGULAR SESSION ON MAY 22, 2023, as follows:

Section 1. That the City of Fairhope has applied for grant funding under the Alabama Recycling Fund in support of the Baldwin County Material Recovery Facility.

Section 2. That any and all grant funds awarded by said application will be given to the Baldwin County Commission or Baldwin County Solid Waste for the exclusive purpose of supporting the Baldwin County Material Recovery Facility.

Section 3. That this Resolution shall become effective upon its adoption. Adopted this 22nd day of May 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 First Amendment to the Structure Lease Agreement as presented between the City of Fairhope and New Cingular Wireless PCS, LLC, leased area at 590 Nichols Avenue, Fairhope, Alabama 36532. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

22 May 2023

RESOLUTION NO. 4762-23


WHEREAS, this First Amendment is effective as of the date of execution by the last party to sign is entered into by and between City of Fairhope, Alabama, hereinafter referred to as “Landlord”, and New Cingular Wireless PCS, LLC, hereinafter referred to as “Tenant” and,

WHEREAS, the Landlord and Tenant entered into a “Structure Lease Agreement” dated February 6, 2017 pursuant to which Landlord leased a portion of the tower site located at 590 Nichols Avenue, Fairhope, Alabama 36532; and,

WHEREAS, the Landlord and Tenant desire to modify the Agreement with the terms and conditions in the First Amendment.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor Sherry Sullivan is hereby authorized to execute the First Amendment to the Structure Lease Agreement as presented between the between the City of Fairhope and New Cingular Wireless PCS, LLC for the leased area located at 590 Nichols Avenue, Fairhope, Alabama 36532.

Adopted this 22nd Day of May, 2023



Jay Robinson, Council President

Attest:



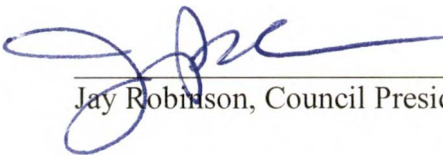
Lisa A. Hanks, MMC
City Clerk

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 Change Order No. 1 for (Bid No. 23-016-COF-2023-EDA001A) Asbestos Abatement Fairhope K-1 Center with a cost of \$6,000.00 and to award Change Order No. 1 to Hernandez Demolition and Remediation, LLC. The new contract total will be \$70,028.40. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

22 May 2023

RESOLUTION NO. 4763-23

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. 23-016-COF-2023-EDA001A) Asbestos Abatement Fairhope K-1 Center with a cost of \$6,000.00 and to award Change Order No. 1 to Hernandez Demolition and Remediation, LLC. The new contract total will be \$70,028.40.

ADOPTED ON THIS 22ND DAY OF MAY, 2023

Jay Robinson, Council President

Attest:



Lisa A. Manks, MMC
City Clerk

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

- 1) Carol Wilson, 489 Bartlett Avenue, addressed the City Council regarding the Prism Events on City property, i.e. South Beach Park. Ms. Wilson spoke against both Prism events being held on June 2, 2023 and June 3, 2023: Prism United (Fairhope Pride Family Festival) and the Color Fairhope with Pride Drag Brunch. She mentioned children should not be at these events.
- 2) Dr. Lou Campomenosi, President of the Common Sense Campaign, addressed the City Council regarding the Prism Events on City property, i.e. South Beach Park. Dr. Campomenosi spoke against both Prism events being held on June 2, 2023 and June 3, 2023: Prism United (Fairhope Pride Family Festival) and the Color Fairhope with Pride Drag Brunch. He mentioned “Woke” and children should not be allowed in “Woke” events.
- 3) Carol Schneider, 113 Orange, regarding the Prism Events on City property, i.e. South Beach Park. Ms. Schneider spoke against both Prism events being held on June 2, 2023 and June 3, 2023: Prism United (Fairhope Pride Family Festival) and the Color Fairhope with Pride Drag Brunch. She said these are terribly lewd programs for children.

22 May 2023

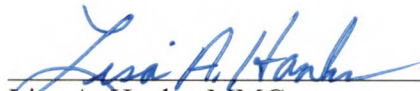
- 4) Lisa Word, 10835 Woodland Drive, addressed the City Council regarding the Color Fairhope with Pride Drag Brunch on June 3, 2023. She said it is offensive to have this brunch; and sets all women back and it humiliates women.
- 5) Matt Gulisano, 20160 Pecan Trace, addressed the City Council regarding the Prism Events on City property, i.e. South Beach Park. Mr. Gulisano spoke against both Prism events being held on June 2, 2023 and June 3, 2023: Prism United (Fairhope Pride Family Festival) and the Color Fairhope with Pride Drag Brunch. He said told the City Council they need to come up with a resolution to stop it.
- 6) David Legier, 1 Canebreak, addressed the City Council regarding the Prism Events on City property, i.e. South Beach Park. Mr. Legier stated he agreed with all who have spoken. He said what happens to Fairhope reflects us.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 6:44 p.m.



Jay Robinson, Council President



Lisa A. Hanks, MMC
City Clerk