

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, 12 June 2023.

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

There being a quorum present, Council President Robinson called the meeting to order. The invocation was given by Pastor William Parsons of Redeemer Lutheran Church, and the Pledge of Allegiance was recited.

Council President Robinson announced Agenda Item Number 12 was being pulled at the request of Shaka Beach Volleyball.

Councilmember Burrell moved to approve minutes of the 22 May 2023, regular meeting with the correction in the heading from “Monday” to “May” due to autocorrect error; and minutes of the 22 May 2023, work session. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Mayor Sullivan addressed the City Council and recognized Mayor Jim Nix in attendance who served the City for 28 years. She spoke regarding the following items:

- 1) Congratulated IT Director Jeff Montgomery who passed the test for Certified Information Systems Security Professional.
- 2) Mentioned the 3 Mil Tax and Fairhope East Elementary School funding request.
- 3) Stated Agenda Item Number 13 should be Water and Wastewater Project Supervisor.
- 4) Commented we are working on the 2023 Budget.

No one spoke during Public Participation for Agenda Items.

12 June 2023

Councilmember Burrell moved for final adoption of Ordinance No. 1775, an ordinance to amend Zoning Ordinance No. 1253 and to rezone the property of Clifford Street and Jean Street as Trustees of the Street Living Trust Dated July 27, 2005 to rezone property 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. (Introduced at the May 22, 2023 City Council Meeting) Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE – Burrell, Robinson, and Boone. NAY - None.

Councilmember Boone introduced in writing an ordinance to annex the Celebration Church, Inc. f/k/a Fairhope Assembly of God Church, Inc. property located at 8180 Dyer Road, Fairhope, Alabama. Tax Parcel 46-02-09-0-000-009.000 (PPIN 50796) containing 5.00 acres, more or less. Planning Director Hunter Simmons stated the lot frontage will continue to be on Dyer Road. Due to lack of a motion for immediate consideration, this ordinance will layover until the June 26, 2023 City Council meeting.

Councilmember Burrell introduced in writing an ordinance to repeal and replace Ordinance No. 1520 an Ordinance Allocating the Funds Collected from The City of Fairhope's Sales and Use Tax. Council President Robinson explained this increases the Rainy Day Fund from \$7,00,000.00 to \$10,000,000.00. Councilmember Burrell commented this does not affect the City's Sales and Use Tax. Due to lack of a motion for immediate consideration, this ordinance will layover until the June 26, 2023 City Council meeting.

Councilmember Boone introduced in writing an ordinance to amend Ordinance No. 1385 known as the City of Fairhope's Sales and Use Tax Ordinance; and to repeal and replace Ordinance No. 1521, Section 6. Use of Proceeds. Due to lack of a motion for immediate consideration, this ordinance will layover until the June 26, 2023 City Council meeting.

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is authorized to sign and execute any necessary and appropriate documents so that the City of Fairhope and Fairhope Airport Authority can receive the Airport Terminal Program grant for the site work and construction of a 4,000 square foot terminal building at H. L. "Sonny" Callahan Airport subject to the Board of Directors of Fairhope Airport Authority approving a resolution for same and committing to pay required matching portions. Seconded by Councilmember Boone, motion passed unanimously by voice vote. Councilmember Burrell explained the two grants. He stated the City is a sponsor for the Fairhope Airport Authority which is why the Mayor executes the documents.

12 June 2023

RESOLUTION NO. 4764-23

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRHOPE,
ALABAMA, APPROVING AND AUTHORIZING THE CITY TO ENTER INTO
A GRANT AGREEMENT WITH THE FEDERAL AVIATION
ADMINISTRATION FOR THE CONSTRUCTION OF A NEW AIRPORT
TERMINAL AT H. L. "SONNY" CALLAHAN AIRPORT (KCQF)**

WHEREAS, the United States of America acting through the Federal Aviation Administration under the "Bipartisan Infrastructure Law – Airport Terminals Program," has offered to pay an approximately \$2,000,000.00 (with the final amount to be determined after submission of the grant application) for the construction of a new airport terminal building at H. L. "Sonny" Callahan Airport (KCQF), which will generally include site development and the construction of a 4,000 square foot terminal building;

WHEREAS, the grant funding will include payment by the FAA for 95% of the site development cost, and 76% of the construction cost of the terminal building itself;

WHEREAS, the *estimated* cost of matching funds that will be required to complete the site development and construction of the terminal building is \$700,000.00;

WHEREAS, the matching funds required to complete construction in accordance with the approved plans and specifications for the terminal building shall be the responsibility of Fairhope Airport Authority;

WHEREAS this offer of the Federal Aviation Administration is contingent upon the sponsor's submission of an appropriate grant application and subsequent acceptance of the grant agreement in accordance with its terms, namely and including, among others, the "Airport Sponsor Assurances" included as part of the Grant Agreement;

WHEREAS, the City of Fairhope continues as a sponsor of the H. L. "Sonny" Callahan Airport due in part to a funding agreement between the City and Fairhope Airport Authority related to a portion of the H. L. "Sonny" Callahan Airport property;


WHEREAS, the deadline date for the submission of the application is **June 30, 2023**, and the deadline for the execution of the applicable Grant Agreement is not later than **August 31, 2023**;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairhope, in a regular meeting of the City Council, that the Mayor is hereby authorized to sign and execute any necessary and appropriate documents (to include, without limitation, the grant application due on or before June 30, 2023 and, if the grant is awarded, the final grant agreement) so that the City of Fairhope and Fairhope Airport Authority can receive the Airport Terminal Program grant for the site work and construction of a 4,000 square foot terminal building at H. L. "Sonny" Callahan Airport.

12 June 2023

This Resolution is subject to the Board of Directors of Fairhope Airport Authority, prior to June 30, 2023, adopting and approving a resolution acknowledging the City Council's authorization to submit the grant application, and the Authority committing to pay, in full, all required matching portions that will be required under the subsequent grant agreement (including site development and construction costs).

Adopted this the 12th day of June, 2023.


Jay Robinson, Council President
City of Fairhope, Alabama

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 authorized to execute a Reciprocal Agreement between The City of Fairhope and the Baldwin County Commission for exchanging information relating to tax returns and/or tax information with agreement being for a period of three (3) years. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4765-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor Sherry Sullivan is hereby authorized to execute a Reciprocal Agreement between The City of Fairhope and the Baldwin County Commission for exchanging information relating to tax returns and/or tax information. This agreement shall be for a period of three (3) years.

Adopted on this 12th day of June, 2023


Jay Robinson, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

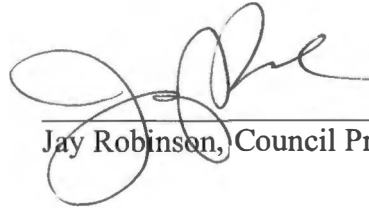
12 June 2023

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is authorized to execute an Indemnity Agreement between Oak Hollow Farm Inc. and the City of Fairhope for the City's Christmas Party for City Employees at the "Barn" on Friday, December 8, 2023. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4766-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Sherry Sullivan is hereby authorized to execute an Indemnity Agreement between Oak Hollow Farm Inc. and the City of Fairhope for the City's Christmas Event for City Employees at the "Barn" on Friday, December 8, 2023, from 12:00 p.m. to 3:30 p.m.

DULY ADOPTED THIS 12TH DAY OF JUNE, 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 with job description with name changed to Water and Wastewater Project Supervisor, a resolution that the City Council approves the Compensation and Job Classification Plan along with the Grade Order Sheet be amended and approved to fund the (Water and Wastewater Project Supervisor – Grade 11) position; and the job description and grade of pay the same. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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12 June 2023

RESOLUTION NO. 4767-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the Compensation and Job Classification Plan along with the Grade Order Sheet be amended and approved to add the following job position; the City Council approves the Job Description and Grade of Pay for same; and to fill with appropriate person within the Paygrade.

Addition:	Job Position	Grade of Pay
	Water & Wastewater Project Supervisor	11

ADOPTED THIS 12TH DAY OF JUNE, 2023



Jay Robinson, Council President

ATTEST:



Lisa A. Hanks, MMC
City Clerk

Councilmember Burrell moved to amend the resolution to add number 3 "Reimbursement of Certification Fee for new Lifeguards up to \$250.00 with proof of payment for same." Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution as amended, a resolution that the City Council approves and adopts the following recommendations received by Mayor Sherry Sullivan for pay increases for Lifeguards and Lifeguard II due to the job market regarding these positions. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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12 June 2023

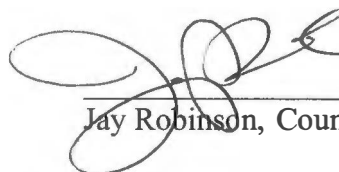
RESOLUTION NO. 4768-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council approves and adopts the following recommendations received by Mayor Sherry Sullivan for pay increases for Lifeguards and Lifeguard II due to the job market regarding these positions:

- 1) Increase the pay of any employee classified as a Seasonal or Part-Time Lifeguard making under \$11.00 per hour by \$4.00 effective immediately; and
- 2) Increase the pay of a Lifeguard II by \$1 per hour.
- 3) Reimbursement of Certification Fee for new Lifeguards up to \$250.00 with proof of payment for same.

Lifeguards are classified as a Grade 3 with a pay range from \$10.21 - \$18.94.

ADOPTED THIS 12TH DAY OF JUNE, 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 Council authorizes and approves hiring a new mechanic to allow current mechanic, who is retiring at the end of the month, to work with and train the new employee prior to leaving. Temporary position will expire upon retirement of current mechanic. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

12 June 2023

RESOLUTION NO. 4769-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council authorizes and approves the hiring of the new Mechanic to allow the current Mechanic (Pay Grade 7), who is retiring at the end of the month, to work with and train the new employee prior to his leaving. This will be beneficial to the City as well as the new hire. The temporary position will expire upon retirement of the current Mechanic.

ADOPTED THIS 12TH DAY OF JUNE, 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 Council approves and authorizes Mayor Sherry Sullivan to execute a price increase for the Altec Bucket Truck with a not-to-exceed cost of \$12,156.00 to Altec Industries, Inc. through Sourcewell Contract 012418-ALT. The new contract total will not-to-exceed \$294,783.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4770-23

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

[1] That City Council approves and authorizes Mayor Sherry Sullivan to execute a price increase for the Altec Bucket Truck with a not-to-exceed cost of \$12,156.00 to Altec Industries, Inc. through Sourcewell Contract 012418-ALT. The new contract total will not-to-exceed \$294,783.00.


[2] Truck originally approved and ordered on Resolution No. 4051-21 on April 12, 2021. Due to supply issues, delivery of truck did not happen until May 2023.

12 June 2023

[3] Price of the bucket truck increased due to materials costs. The following price changes have occurred:

- Mounted Hydraulic Capstain decrease \$4,945.00 to \$4,563.00
- Additional Surcharge for materials cost increase: \$12,538.00

ADOPTED ON THIS 12TH DAY OF JUNE, 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 (Bid 23-024) Wastewater Treatment Plant SCADA Integration to Automation Control Service, LLC (ACS) with a total bid proposal not-to-exceed \$129,500.00. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

RESOLUTION NO. 4771-23

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. 23-024) Wastewater Treatment Plant SCADA Integration at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[2] At the appointed time and place, one (1) bid was received and tabulated as follows:

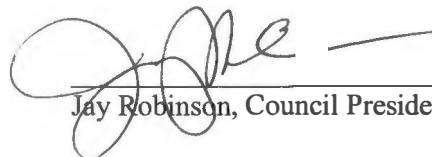
Automation Control Service, LLC (ACS)	\$129,500.00
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[3] After evaluating the bid with the required specifications, Automation Control Service, LLC (ACS) is now awarded (Bid No. 23-024) for Wastewater Treatment Plant SCADA Integration with a total bid proposal not-to-exceed \$129,500.00.

12 June 2023

[4] Project was budgeted in FY2022 for \$100,000.00. Contractor did not complete work. FY2022 budget was not rolled over into FY2023.

ADOPTED ON THIS 12TH DAY OF JUNE, 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 procurement of two (2) Electric Vehicle Charging Stations for the Electric Department to Gresco through the Sourcewell Contract 051017-CP1; and does not have to be let out to bid. The total cost not-to-exceed \$134,026.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

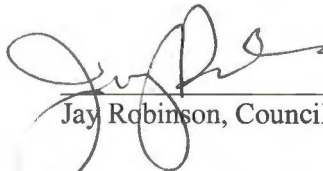
RESOLUTION NO. 4772-23

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

[1] That the City of Fairhope has voted to approve the procurement of two (2) Electric Vehicle Charging Stations for the Electric Department from Gresco through Sourcewell Contract 051017-CP1; and therefore does not have to be let out to bid. The total cost not-to-exceed \$134,026.00.

[2] City of Fairhope was awarded grant funds from the Alabama Department of Economic and Community Affairs (ADECA) Energy Division for this procurement.

ADOPTED ON THIS 12TH DAY OF JUNE, 2023



Jay Robinson, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

12 June 2023

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves procurement of Four (4) Steel Roll Up Shop Doors for the Electric Department Barn to Bailey Door, Inc. with a budgeted not-to-exceed cost of \$44,968.00. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

RESOLUTION NO. 4773-23

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

[1] That the City of Fairhope did solicit quotes for the procurement of Four (4) Steel Roll Up Shop Doors for the Electric Department Barn.

[2] After evaluating the quotes with the required specifications, Bailey Door, Inc. is now awarded the procurement of Four (4) Steel Roll Up Shop Doors with a budgeted not-to-exceed cost of \$44,968.00.

[3] Total new building project budgeted for \$155,000.00

ADOPTED ON THIS 12TH DAY OF JUNE, 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 procurement and installation of Storm Panels for the Nix Center to StormTech Shutter Systems, LLC with budgeted not-to-exceed cost of \$22,462.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

12 June 2023

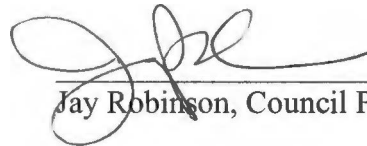
RESOLUTION NO. 4774-23

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

[1] That the City of Fairhope did solicit quotes for the Procurement and Installation of Storm Panels for the Nix Center.

[2] After evaluating the quotes with the required specifications, StormTech Shutter Systems, LLC is now awarded the Procurement and Installation of Storm Panels for the Nix Center with a budgeted not-to-exceed cost of \$22,462.00.

ADOPTED ON THIS 12TH DAY OF JUNE, 2023



Jay Robinson, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

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

- 1) John Elliott addressed the City Council with concerns with Drag Show in front of children. Mr. Elliot stated he did not attend the show but looked at videos from other events. He told the City Council to refuse any Drag Shows where children are present.
- 2) Mayor Jim Nix, 415 Myrtle Street, addressed the City Council and stated he has not been here since October 2020. He suggested once a quarter to have Public Participation for people at home.
- 3) Amanda Webb addressed the City Council and read a statement on behalf of Sarah Fischer. Ms. Webb said she was at the Drag Show event and the youngest person there was in his 20's and it was a private event. She thanked the City Council for providing services and said the Saturday event celebrated families of LGBTQ. Ms. Webb commented there were 800 to 1,000 people who came to this event.

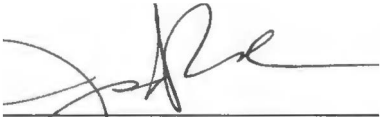
12 June 2023

- 4) Bob (Chris) Saxon addressed the City Council and spoke against the Pride events. He read an article regarding Olympia, Washington and said you need to worry about “in the name of acceptance.” He commented in about 10 years Olympia was dead because of “in the name of acceptance.” Mr. Saxon told the City Council to think about what he read.
- 5) Aubrey Wakeley, 886 Lake View Drive, addressed the City Council and stated he appreciates the clear-eyed response they gave for these events. He said you must permit these events or be considered unconstitutional. Mr. Wakeley told the City Council they were dealing with the latest moral panic. He commented Fairhope was built on acceptance; and bigotry has no place in the world or our community. He thanked the City Council for their help and working with these matters.
- 6) Kelly Rogers addressed the City Council and yielded her time to Rebecca Watson who lives at 124 Fig Avenue and said she moved to Fairhope approximately one year and three months. Ms. Watson said she lived in Washington 16 years prior; and saw her City die; and fled to Fairhope. She commented children are being brainwashed; and need to have a childhood. Ms. Watson spoke against gays and children being involved in and exposed to adult themed events. She told the City Council they need to make rules; and, if it does not stop, there will be a war.
- 7) Keppler Popovich, 207 Driftwood Drive, addressed the City Council and said he did not have a childhood not being accepted. Mr. Popovich said he grew up in Fairhope and attended both middle and high school here. He mentioned a club that could not meet as a group at school because we were not accepted for our existence. Mr. Popovich said the purpose of “Pride” is for acceptance and existence not for brainwashing.
- 8) Mariana Key, 358 South School Street, addressed the City Council and mentioned House Bill Number 401; and she read the definition that was proposed to be added as Section 22 Sexual Conduct: paragraph c. Ms. Key stated that the City Council that their hearts should be pure and honest. She was against the Pride events too; and said God desires a pure heart.
- 9) Kate Nelson Dooley, 100 Perry Court in Daphne, addressed the City Council and stated she comes the “Color Fairhope with Pride” every year. Ms. Dooley said she is a Social Worker who works with attachment and emotional well-being. She commented she brought her 10 year child to “Color Fairhope with Pride” which is where he can see other families like his. Ms. Dooley said she has been to Drag Shows and are nothing like what was stated here. She said it is wonderful singing and tips.

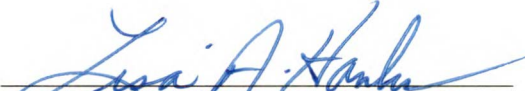
Councilmember Boone moved to adjourn the meeting. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

12 June 2023

There being no further business to come before the City Council, the meeting was duly adjourned at 6:53 p.m.



Jay Robinson, Council President



Lisa A. Hanks, MMC
City Clerk