

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, 13 July 2015.

Present were Council President Jack Burrell, Councilmembers: Rich Mueller, Diana Brewer, Michael A. Ford, and Kevin Boone, Mayor Timothy M. Kant, City Attorney Marion E. Wynne, and City Clerk Lisa A. Hanks.

There being a quorum present, Council President Burrell called the meeting to order.

Councilmember Brewer stated there was a need to add on an agenda item after Agenda Item Number 15, a resolution requesting the Education Advisory Committee to work with City Staff to obtain proposals including costs for each component of the Education Advisory Committee study.

Councilmember Brewer moved to add on the above mentioned item **not** on the printed agenda. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

The invocation was given by Father Donald M. Smith, from St. James Episcopal Church, and the Pledge of Allegiance was recited. Councilmember Brewer moved to approve minutes of the 22 June 2015, regular meeting; minutes of the 22 June 2015, work session; and minutes of the 22 June 2015 agenda meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Mayor Kant addressed the City Council regarding the following items:

- 1) Thanked Public Works Department, Police Department, Volunteer Fire Department, and City Staff for a great Fourth of July Celebration; and thanked citizens for no issues during this event;
- 2) Announced Airport Board vacancies and the need to appoint members;
- 3) Mentioned budget time is here and revenues are up; and
- 4) Announced Jimmy Cluster with 24 years of service is the Interim Electric Superintendent.

13 July 2015

Sherry Sullivan addressed the City Council and announced the following items regarding Fairhope youth in Recreation Programs recreation in the City of Fairhope:

- 1) Fairhope Peanut National Team came in second at the Alabama Dixie Youth State Tournament;
- 2) Fairhope Ozone National All-Star Teams playing in State Tournaments;
- 3) Fairhope Peanut rookie Team played in a State Tournament;
- 4) Fairhope American Minor All-Star Team is playing in the Ozone State Tournament and all of the above mentioned teams were District Champions;
and
- 5) Fairhope Girls Softball Team is playing in the World Series.

Mark Stejskal, Director of the Fairhope Point Clear Rotary Youth Club, addressed the City Council and gave an update on the Youth Club. He said that construction has begun and they have 41 children on the waiting list. He also announced on August 21, 2015 will be the Golf Tournament for the Youth Club.

Councilmember Mueller introduced in writing Ordinance No. 1541, an Ordinance to Amend Ordinance No. 1435; Section 2-83. Officers and Meetings; specifically part (d) by changing the monthly meetings to the second Friday of each month at 3:00 p.m. for the Fairhope Environmental Advisory Board. In order to take immediate action, Councilmember Boone moved for immediate consideration. Seconded by Councilmember Mueller, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None. Councilmember Mueller then moved for final adoption of Ordinance No. 1541. Seconded by Councilmember Brewer, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Mueller addressed the City Council and stated contrary to all that has been reported, we do not always agree; and he said it is a pleasure to serve this community as a Councilmember.

Councilmember Brewer addressed the City Council and stated she appreciates everyone's passion, honesty, and integrity. She also said it was a pleasure to serve on the City Council.

Councilmember Ford addressed the City Council and commented the Recreation Board meeting discussion was just housekeeping. He said that the Recycling Committee was going well.

13 July 2015

Councilmember Boone addressed the City Council and reiterated what Mayor Kant about the Fourth of July Celebration which was an excellent event. He said that Sherry Sullivan and staff did a great job. Councilmember Boone announced there are three openings on the Personnel Board.

Council President Burrell addressed the City Council and requested that a parking shuttle and short-term parking for downtown Fairhope be looked at during the budget process.

Councilmember Brewer introduced in writing Ordinance No. 1542, an Ordinance to Repeal Ordinance No. 659 and Code 1962 §2-21 thru §2-25, and to Establish the Bylaws of the Municipal Harbor Board. In order to take immediate action, Councilmember Boone moved for immediate consideration. Seconded by Councilmember Brewer, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None. Councilmember Brewer then moved for final adoption of Ordinance No. 1542. Seconded by Councilmember Mueller, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Council President Burrell introduced the following resolution, a resolution to approve an Application seeking permission to form and incorporate an Educational Building Authority of the City of Fairhope, Alabama and authorizing such Incorporation for St. Michael Catholic High School; and to appoint the James Bailey, Gary Cowles, and Ellis Ollinger, III as the initial Board of Directors of the Educational Building Authority.

Council President Burrell mentioned that the City Council spoke in detail at the Agenda Meeting regarding this resolution. He said the whole purpose is for tax exempt status for bond issues for building the St. Michael Catholic High School. Heyward Hosch with Maynard Cooper and Gayle was in attendance to answer any questions from the City Council. Mr. Hosch is the attorney for the Mobile Archdiocese.

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13 July 2015

RESOLUTION NO. 2378-15

**A RESOLUTION APPROVING AN APPLICATION SEEKING
PERMISSION TO FORM AND INCORPORATE AN EDUCATIONAL BUILDING
AUTHORITY OF THE CITY OF FAIRHOPE, ALABAMA AND AUTHORIZING
SUCH INCORPORATION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE,
ALABAMA (the "City Council"), as follows:

Section 1. That the City Council, upon evidence duly submitted to and considered by it, hereby finds and determines that the following application has been duly filed with the governing body of the City of Fairhope for approval of the formation of a public corporation under Chapter 17 of Title 16 of the Code of Alabama 1975 and that the persons executing said application are residents and duly qualified electors of, and owners of real property in, the City of Fairhope, Alabama:

**APPLICATION
FOR AUTHORITY TO INCORPORATE
AN EDUCATIONAL BUILDING AUTHORITY**

July 1, 2015

TO THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA:

We, the undersigned, each being a duly qualified elector and resident of, and owner of real property in, the City of Fairhope, Alabama, do hereby apply to the City Council of the City of Fairhope, the governing body of said City, for authority and permission to form and incorporate an educational building authority to be known as The Educational Building Authority of the City of Fairhope, Alabama-St. Michael Catholic High School. None of the undersigned applicants is an officer of the state, the county, or any incorporated municipality.

This application is submitted pursuant to the provisions of Chapter 17 of Title 16 of the CODE OF ALABAMA 1975, as amended (the "Enabling Law").

We request that you, as the governing body of this City and in accordance with the Enabling Law, adopt a resolution declaring that it is wise, expedient, necessary and advisable that such a public corporation be formed, authorizing the undersigned to proceed to form such corporation, and approving the proposed Certificate of Incorporation, submitted herewith and attached hereto as Exhibit A.

IN WITNESS WHEREOF, each of the undersigned has executed this Application on the date and year first above written.


Name: James C. Bailey


Name: Gary D. E. Coyle


Name: Ellis V. Ottinger, III

13 July 2015

Section 2. That the City Council has reviewed and considered the foregoing application and finds and determines, as a matter of fact, the statements in the said application are true.

Section 3. That the City Council does hereby (1) find and determine as a matter of fact that it is wise, expedient, necessary and advisable that the said Educational Building Authority be formed and (2) approve the formation of the said Educational Building Authority and the certificate of incorporation of the Educational Building Authority attached to the foregoing application as hereinabove set forth.

Section 4. That the City Council does hereby grant permission to form and incorporate the Educational Building Authority and does hereby authorize the persons making such application to proceed to form such Educational Building Authority.

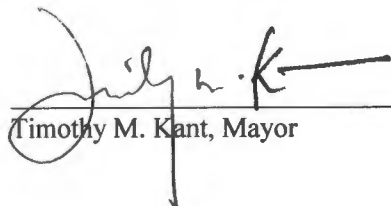
Section 5. That the City Council does hereby appoint the following persons as the initial board of directors of the Educational Building Authority for terms ending on the date and year set opposite the respective names thereof:

<u>Name</u>	<u>End of Term</u>
Mr. James C. Bailey	Second Monday of November, 2017
Mr. Gary D. E. Cowles	Second Monday of November, 2019
Mr. Ellis V. Ollinger, III	Second Monday of November, 2021

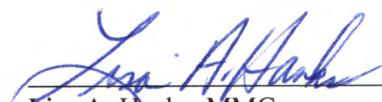
Section 6. That all ordinances, resolutions, orders, or parts of any thereof, of the City Council in conflict, or inconsistent, with any provision of this resolution hereby are, to the extent of such conflict or inconsistency, repealed.

Section 7. That this resolution shall take effect immediately upon publication hereof as provided by law.

Duly passed and adopted this 13th day of July, 2015


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

13 July 2015

In order to take immediate action, Councilmember Brewer moved for immediate consideration. Seconded by Councilmember Mueller, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Brewer then moved for final adoption of Resolution No. 2378-15. Seconded by Councilmember Mueller, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

The Council President Burrell thereupon declared said motion carried and the resolution passed and adopted as introduced and read. He stated we spoke in detail at the agenda meeting; and this formation of the Educational Building Authority is for the Mobile Archdiocese to obtain Tax-Exempt status on bond issues for building St. Michael Catholic High School.

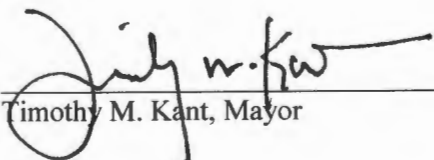
Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase a Knuckleboom Loader Truck for the Public Works Department and the requested item is available for direct procurement through the National Joint Powers Alliance (“NJPA”) Buying Group Contract. The cost is approximately \$128,235.00 to allow for freight cost variations at ship time. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 2379-15

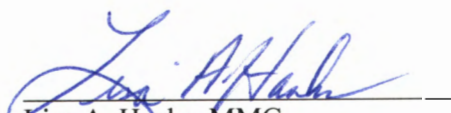
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

That the City of Fairhope has voted to purchase a 2016 M2 Freightliner Chassis with Pac-Mac KBF20H (Knuckleboom Loader Truck) for the Public Works Department; and the requested item is available for direct procurement through the National Joint Powers Alliance (“NJPA”) Buying Group Contract. The cost is approximately \$128,235.00 to allow for freight cost variations at ship time.

Adopted on this 13th day of July, 2015


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

13 July 2015

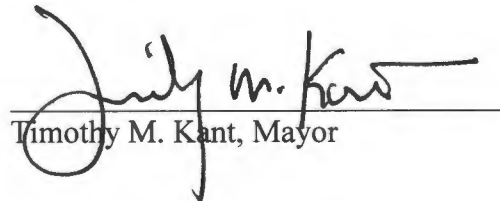
Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to Purchase SCADA System Annual Software/Maintenance Agreement for the Electric, Water, and Gas Departments from Survalent Technology as Sole Source Distributor with a cost of \$18,390.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2380-15

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

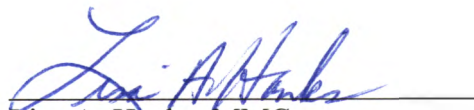
[1] That the City of Fairhope has voted to purchase SCADA System Annual Software/Maintenance Agreement for the Electric, Water, and Gas Departments, from Survalent Technology as Sole Source Distributor; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13): "Contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible to award by competitive bidding." The cost will be \$18,890.00.

Adopted on this 13th day of July, 2015



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to terminate the contract with Judicial Correction Services (JCS) per terms and conditions of the referenced contract dated December 19, 2005; specifically, paragraph 5. Mayor Kant explained the need to terminate the contract and that Judge Snedeker recommended termination which is in the best interest of the people. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

13 July 2015

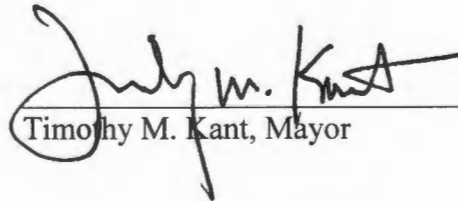
RESOLUTION NO. 2381-15

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

[1] That the City of Fairhope did execute a contract with Judicial Correction Services (JCS) for Professional Services to provide probation supervision and related services for the benefit of the Court and the City of Fairhope on December 19, 2005.

[2] Per the terms and conditions of the referenced contract, specifically Paragraph 5, which allows the City to terminate this contract "with a thirty (30) day written notice;" it is recommended that the contract for Professional Services with JCS be terminated.

Adopted on this 13th day of July, 2015



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to Reject Two Truck Bids for the Public Works that are not within budget; and to Award Terry Thompson Chevrolet, Inc., with total bid proposals of \$28,187.60, for the Meter Department Truck and \$30,670.90 for the Water Department Truck, for the remaining two bids (Bid Number 027-15) for a total cost of \$58,858.60. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

13 July 2015

RESOLUTION NO. 2382-15

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 Five Fleet Pickup Trucks for the Public Works, Meter, and Water Departments (Bid Number 027-15) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

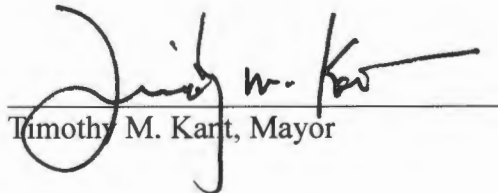
[2] During the bid, one of the five trucks was removed from the bid process.

[3] At the appointed time and place, the following bids were opened and tabulated as follows:

Please see attached Bid Tabulation for
Five Fleet Pickup Trucks for the Public Works,
Meter, and Water Departments

[4] After evaluating the bid proposals with the required bid specifications, only one bidder responded on the remaining four trucks. The Governing Body of the City of Fairhope, Alabama, hereby rejects the two truck bids for the Public Works Department that are not within budget; and awards Terry Thompson Chevrolet, Inc., with total bid proposals of \$28,187.60 for the Meter Department truck and \$30,670.90 for the Water Department Truck, for the remaining two bids (Bid Number 027-15) for a total cost of \$58,858.50.

Adopted on this 13th day of July, 2015



Timothy M. Kart, Mayor

Attest:



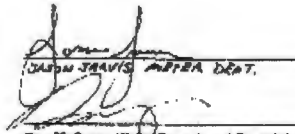
Lisa A. Hanks, MMC
City Clerk

13 July 2015

CITY OF FAIRHOPE
 BID TABULATION and Recommendation
 BID NO: 027-15
 BID NAME: FIVE FLEET PICKUP TRUCKS
 Date Opened: JUNE 30, 2015 9:00 a.m.
 Note: Bid Bond 5 % and no more than \$10,000

VENDOR	Non-Collusion Statement & Bid Proposal Executed / Signed / Notarized	Addendum Signed 1	AMO Days	Price	1 each Pickup Truck for <u>Water Dept</u> 1500 (or equiv) Dbl cab std bed	1 each Pickup Truck for <u>FWA Dept</u> 2500 (or equiv) Dbl cab long WB	1 each Pickup Truck for <u>FWA Dept</u> 3500 (or equiv) Crew cab long WB
Terry Thompson Chevrolet	yes	yes	3	\$28,187.60	\$30,670.90	\$33,892.77	\$36,258.51
				Manufacturer	Chevrolet	Chevrolet	Chevrolet
				Model	CC15903	CC15753	CC25653
Chris Meyers Auto Mall, Daphne, AL				Price	NO RESPONSE	NO RESPONSE	NO RESPONSE
				Manufacturer			
				Model			
Auto Nation Dodge Ram Jeep				Price	NO RESPONSE	NO RESPONSE	NO RESPONSE
				Manufacturer			
				Model			
Mullinix Ford Mobile				Price	NO RESPONSE	NO RESPONSE	NO RESPONSE
				Manufacturer			
				Model			

Recommendation: Award bid for 1500 (or Equivalent) Reg Cab Std Bed to Terry Thompson Chevrolet in the bid amount of \$28,187.60
 Award bid for 1500 (or Equivalent) Dbl Cab Std Bed to Terry Thompson Chevrolet in the bid amount of \$30,670.90


 DAN McCrory, Water Department Superintendent
 6/30/15

To my knowledge this is an accurate bid tabulation.

 Daniel P Ames, Purchasing Manager
 6/30/15

Councilmember Boone moved to appoint Mary Gammer and reappoint Cathy Hudson to the Recreation Board for a five-year term which will expire April 2020. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Boone moved to appoint Diana Brewer as the City Council Liaison to the Pedestrian and Bicycle Committee. Seconded by Councilmember Mueller, motion passed by the following voice votes: AYE – Burrell, Mueller, Ford, and Boone. NAY – None. ABSTAIN – Brewer.

City Council reviewed an application for a Restaurant Liquor License by Noell Broughton for DBN, LLC, d/b/a Bone and Barrel, located at 311 Fairhope Ave, Fairhope, Alabama. Councilmember Boone moved to approve the issuance of the license. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

13 July 2015

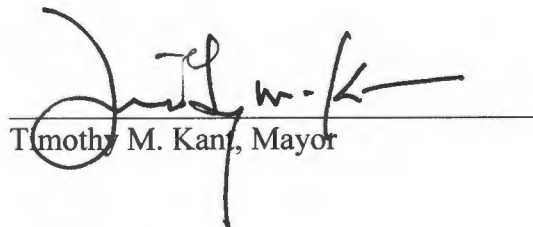
Councilmember Brewer moved to grant the request of Peter Cowley with the Alzheimer's Association requesting permission to hold its signature event "The Walk to End Alzheimer's" on September 12, 2015 at the Fairhope Pier (South Park). This is a Fundraising Walk and sidewalks will be used: Fairhope Avenue, South Mobile Street, Fels Avenue, Section Street, Oak Street, North Summit St, North Bayview Street, and Magnolia St.; from 6:00 a.m. to 1:00 p.m.; and permission to serve alcohol on City property. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution requesting the Education Advisory Committee to work with City Staff to obtain proposals including costs for each component of the Education Advisory Committee study. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

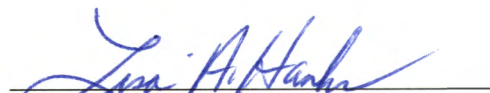
RESOLUTION NO. 2383-15

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby requests the Education Advisory Committee to work with City Staff to obtain proposals including costs for each component of the Education Advisory Committee study.

Adopted on this 13th day of July, 2015


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

The following individuals spoke during Public Participation:

- 1) Rick Dennis, 450 Nichols, addressed the City Council regarding the BP Clean Water Act Report by Mayor Kant. He requested Fairhope's position on the distribution of BP funds.

13 July 2015

Mayor Kant replied that the whole Council will meet this week to discuss this issue. He commented that one pot of money is designated to economic development, one pot is Federal money approved for the five states; and the other pot is Federal money approved for environmental projects. The State of Alabama has a claim for approximately 500 million dollars and we don't want this to be put into the State's General Fund, but the Judge has not sent down his Order yet.

- 2) Wyatt Townsend who is a Boy Scout with Troop 47 addressed the City Council and said he was in attendance working on a Merit Badge. Mr. Townsend commented being her was very helpful and was learning about the environment.

At the request of the City Attorney, Marion E. Wynne, the City Council will rise from the meeting to go into Executive Session based on Section 36-25A-7(a)(3) to discuss pending litigation and possible settlement options regarding said pending litigation. The approximate time to be in Executive Session is 20 minutes.

Councilmember Brewer moved to go into Executive Session. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Exited the dais at 6:38 p.m. Returned at 7:01 p.m.

Council President Burrell stated we discussed an individual claim for the City of Fairhope and need to authorize Mayor Kant to execute the settlement agreement with the BP entities on behalf of the City. He commented we are under a Federal "Gag Order" and cannot discuss the terms of the settlement at this time; but the City must comply by July 15, 2015.

Councilmember Mueller moved to add on the above mentioned item **not** on the printed agenda. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

City Attorney Wynne read the proposed resolution: a resolution authorizing Mayor Timothy M. Kant accept and sign the Settlement Agreement and all required supporting documents to conclude the matter regarding the BP Entities and the Deepwater Horizon Oil Spill.

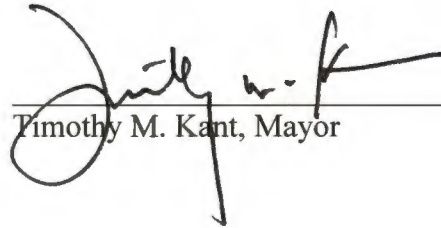
Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant accept and sign the Settlement Agreement and all required supporting documents to conclude the matter regarding the BP Entities and the Deepwater Horizon Oil Spill. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

13 July 2015

RESOLUTION NO. 2384-15

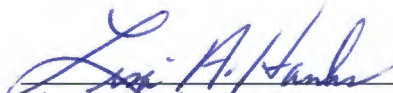
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to accept and sign the Settlement Agreement and all required supporting documents to conclude the matter regarding the BP Entities and the Deepwater Horizon Oil Spill.

Adopted on this 13th day of July, 2015



Timothy M. Kant, Mayor

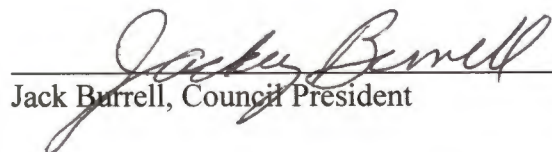
Attest:



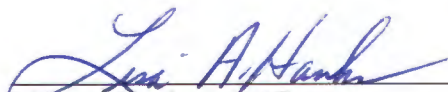
Lisa A. Hanks, MMC
City Clerk

Councilmember Brewer moved to adjourn the meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:05 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk