

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 Thursday, 29 April 2025.

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

There being a quorum present, Council President Burrell called the meeting to order at 6:08 p.m. The invocation was given by Pastor Betty Massey of Fairhope Christian Church and the Pledge of Allegiance was recited.

Council President announced that Agenda Items No. 12, and No. 13 were being pulled from the Agenda at the request of the Gas Superintendent and Mayor Sullivan.

Councilmember Robinson moved to approve minutes of the 14 April 2025, regular meeting; and minutes of the 14 April 2025, work session. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Mayor Sullivan addressed the City Council regarding the following items:

- 1) May 4, 2025 through May 10, 2025 is National Correction Officers Week; and presented Chief Hollinghead and Fairhope Correction Officers a proclamation.
- 2) John Woods presented the Mayor and Councilmembers a signed copy of a book titled "the Legacy of Fairhope's Visionary Mayor James P. Nix." This was the autobiography of Jim Nix.
- 3) Eastern Shore Repertory Theatre with be presenting Theatre on the Bluff featuring the classic "Grease."
- 4) First Friday Art Walk will be May 2, 2025.

The following individual spoke during Public Participation for Agenda Items:

- 1) Don DeGutz, 110 Blakeney Avenue, addressed the City Council regarding Agenda Item No. 7: a lease with Baldwin County Community and Economic Development Foundation, Inc. for part of the K-1 Center. He questioned the land for parking and the hardware store. Council President Burrell mentioned their grant would pay the rent.

Councilmember Martin mentioned the Fairhope Volunteer Fire Department getting education and training; and getting burn building training.

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Councilmember Conyers asked the audience to be polite and courteous when addressing the City Council during Public Participation regarding the Fairhope Public Library.

Councilmember Robinson said there are opinions on both sides; and asked, “Who wants keeping sexually explicit books and/or material from the Teen Section?” He then asked, “Who doesn’t want keeping sexually explicit books from the Teen Section?” He said the definition of sexually explicit comes from the State.

Councilmember Boone announced the play of the bluff begins tomorrow night.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Martin introduced in writing an ordinance to amend the property of Robert and Renee Taylor and FST Blue Island Owners Association, the Planned Unit Development known as Hermitage Court. The property is approximately 0.36 acres and is located at 620 Hermitage Court. PPIN #226992. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance.

Planning Director Hunter Simmons briefly explained the proposed ordinance.

Council President Burrell opened the Public Hearing at 6:29 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:29 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the May 12, 2025 City Council meeting.

Councilmember Robinson moved for final adoption of Ordinance No. 1832, an ordinance to grant a Franchise Agreement to Coca-Cola Bottling Company United-Central, LLC to operate Beverage Vending and Concession Machines specified in (Bid No. 25-015), Beverage Vending and Concession Annual Contract - Three Years. (Introduced at the City Council Meeting on April 14, 2025). Seconded by Councilmember Martin, motion for final adoption passed by the following voice votes: AYE – Burrell, Martin, Conyers, Robinson, and Boone. NAY - None.

Councilmember Robinson introduced in writing an ordinance to declare that certain real property of the City of Fairhope (Part of the K-1 Center located at 106 S. Church Street) for Baldwin County Community and Economic Development Foundation, Inc. outlined in Exhibit A attached to lease is not needed for public or municipal purposes in response to an offer to lease property for a fifteen (15) year term for the minimum yearly rent of \$1.00 payable as specified in lease.

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Mayor Sullivan said the rent is \$1.00 per year, but the \$2.0 million from Baldwin County Community and Economic Development Alliance is a significant investment.

Due to lack of a motion for immediate consideration, this ordinance will layover until the May 12, 2025 City Council meeting.

Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution that Lisa A. Hanks, City Clerk, is hereby appointed to perform all the duties otherwise required to be performed by the Mayor per Code of Alabama, 1975 with respect to the Municipal Election to be held in the City of Fairhope on August 26, 2025; and if necessary, a Run-off Election on September 23, 2025. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 5430-25

WHEREAS, a General Municipal Election will be held in the City of Fairhope on the 26th of August 2025, and if necessary, a Run-off Election will be held in the City of Fairhope on the 23rd of September 2025; and,

WHEREAS, the Mayor of the City of Fairhope is a candidate in said election and is thereby disqualified to perform certain duties per Code of Alabama, 1975.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Lisa A. Hanks, City Clerk, is hereby appointed to perform all the duties otherwise required to be performed by the Mayor per Code of Alabama, 1975 with respect to the Municipal Election to be held in the City of Fairhope on the 26th August 2025 and any Run-off Election ordered held with respect thereto.

Adopted this the 29th day of April, 2025


Jack Burrell, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

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Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution to appoint Election Officials for Election Day on August 26, 2025, and Run-off Election Day on September 23, 2025, if necessary; and establish compensation for Election Officials. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 5431-25

WHEREAS, a Regular Municipal Election has been called to be held on August 26, 2025, and a Run-off Election, to be held, if necessary, on September 23, 2025; and,

WHEREAS, Section 11-46-27 of the Alabama Code of 1975, as amended, provides, in part, that the Municipal Governing Body, not less than 15 days before the holding of any Municipal Election, appoint from the qualified electors of the municipality, officers to hold the election as follows; where electronic ballot counters are used, at least one inspector and three clerks,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairhope, Alabama that the election Officers for said elections shall be as follow:

- | | | |
|---------------------------------------|-----|---|
| Chief Inspector: | (1) | Rebecca “Becky” Brown, 667 Fairhope Avenue |
| Chief Clerk: | (1) | John Bartels, 506 N. Mobile Street |
| Provisional Ballot Officer: | (1) | John Bartels, 506 N. Mobile Street |
| | (2) | Rebecca “Becky” Brown, 667 Fairhope Avenue |
| Registration &
Voters List Clerks: | (1) | Margie Gewirtz, 70 Paddock Drive |
| | (2) | Helen Allison, 21950 Country Woods Drive |
| | (3) | Mike Goodson, 102 Pebble Court |
| | (4) | Nelda Goodson, 102 Pebble Court |
| | (5) | Donna Bass, 528 Bartlett Avenue |
| | (6) | Brenda Callicutt, 9 Canebreak Place |
| | (7) | Terri Zechiel, 301 Lake Ridge Drive |
| | (8) | Kristina Potter, 554 N. Section Street |
| | (9) | Jessica Walker, 107 Willow Lake Drive |
| Ballot Issue Clerks: | (1) | Marilyn Witte, 114 Cotswold Court |
| | (2) | Diann Carithers, 476 Boulder Creek Avenue |
| | (3) | Gregory Carithers, 476 Boulder Creek Avenue |
| | (4) | Diane Foote, 210 Heather Lane |
| | (5) | Richard Foote, 210 Heather Lane |
| Inactive List | (1) | Cindy Cazalas, 404 Patlynn Drive |

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Express Vote Attendant: (1) Anthony Gasbarro, 322 Clubhouse Drive
(For Handicap)

Machine Attendants: (1) Robert "Bob" Bass, 528 Bartlett Avenue
(2) James "Dale" Vines, 20645 Lowry Drive
(3) Nathan "Judd" Gillespie, 512 Patlynn Drive
(4) Carl Couret, 208 Fig Avenue
(5) Linda Schwemin, 122 North Drive

Absentee Machine Clerks: (1) Carol Stapleton, 9814 A State Highway 181
(2) Wes Stapleton, 9814 A State Highway 181

BE IT FURTHER RESOLVED, that the Chief Inspector shall be compensated \$250.00 for each Election and for each Run-off Election, if necessary; the Chief Clerk shall be compensated \$185.00 for each Election, and for each Run-off Election, if necessary; and other Election Officers shall be compensated \$175.00 for each Election, and for each Run-off Election, if necessary.

ADOPTED THIS 29TH DAY OF APRIL, 2025


Jack Burrell, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is hereby authorized to execute a Contract with Mott MacDonald Alabama, LLC for Professional Engineering Design Services for Alabama Transportation Rehabilitation and Improvement-II Program (A-TRIP II) Intersection Improvements at US98 and Volanta Avenue (RFQ PS25-026) with a not-to-exceed amount of \$203,988.00. Authorize Treasurer to transfer \$189,678.73 from General Fund to Capital Projects fund. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

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RESOLUTION NO. 5432-25

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 Mott MacDonald Alabama, LLC for Professional Engineering Design Services for Alabama Transportation Rehabilitation and Improvement-II Program (A-TRIP II) Intersection Improvements at U.S. 98 and Volanta Avenue (RFQ PS25-026) with a not-to-exceed amount of \$203,988.00; and authorize Treasurer to transfer \$189,678.73 from General Fund to Capital Projects fund.

ADOPTED ON THIS 29TH DAY OF APRIL, 2025


Jack Burrell, 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 Award (Bid No. 25-022) to Pike Engineering, LLC. for Joint Use Attachment Inventory for City of Fairhope Electric Department with a not-to-exceed bid proposal of \$135,050.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 5433-25

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 Joint Use Attachment Inventory (Bid Number 25-022) for the Electric Department.

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

Pike Engineering, LLC	\$135,050.00
The Fishel Company d/b/a Team Fishel	\$151,216.00

[3] After evaluating the bid proposals with the required bid specifications, Pike Engineering, LLC is now awarded the bid for Joint Use Attachment Inventory (Bid Number 25-022) for the Electric Department with a total bid proposal not-to-exceed \$135,050.00.

Adopted on this 29th day of April, 2025


Jack Burrell, 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 the City Council approves Contract Amendment No. 1 for (RFQ PS24-010) with Kimley-Horn and Associates, Inc. for Professional Engineering Services for Lead Service Lines Inventory and Compliance - Phase 1 with a not-to-exceed amount of \$50,000.00; and authorizes Mayor Sherry Sullivan to execute contract amendment. The new contract total with a not-to-exceed amount of \$127,700.00. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

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RESOLUTION NO. 5434-25

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council approves Contract Amendment No. 1 for RFQ PS24-010 with Kimley-Horn and Associates, Inc. for Professional Engineering Services for Lead Service Lines Inventory and Compliance - Phase 1 with a not-to-exceed amount of \$50,000.00; and authorizes Mayor Sherry Sullivan to execute contract amendment. The new contract total with a not-to-exceed amount of \$127,700.00.

ADOPTED ON THIS 29TH DAY OF APRIL, 2025
Jack Burrell, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

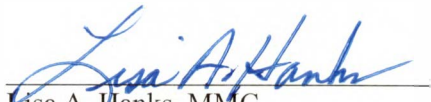
Councilmember Martin introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is hereby authorized to execute a Contract with Duke's Root Control, Inc. for I & I (Inflow and Infiltration) Identification Study (RFQ PS25-027) with a not-to-exceed amount of \$49,500.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 5435-25

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 Duke's Root Control, Inc. for I & I (Inflow and Infiltration) Identification Study (RFQ PS25-027) with a not-to-exceed amount of \$49,500.00.

ADOPTED ON THIS 29TH DAY OF APRIL, 2025
Jack Burrell, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

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Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council approves the selection by Mayor Sherry Sullivan for (RFQ PS25-028) for Professional Engineering Services for 8" Water Main Replacement Under Rock Creek Project to Krebs Engineering; and hereby authorizes Mayor Sullivan to execute a contract with a not-to-exceed amount of \$30,000.00. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

RESOLUTION NO. 5436-25

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

[1] That the City Council approves the selection by Mayor Sherry Sullivan for (RFQ PS25-028) for Professional Engineering Services for 8" Water Main Replacement Under Rock Creek Project to Krebs Engineering; and hereby authorizes Mayor Sullivan to execute a contract with a not-to-exceed amount of \$30,000.00.

DULY ADOPTED THIS 29TH DAY OF APRIL, 2025


Jack Burrell, 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 the City Council hereby authorizes Mayor Sherry Sullivan to execute a contract for Professional Services for closing costs and title insurance on the Bible Way Holiness Land Purchase with Kopesky & Britt, LLC with a cost not-to-exceed \$5,000.00; and further authorizes the Mayor to execute the purchase agreement for the property and easement described herein with a purchase price of \$18,000.00 with credit for \$1,000.00 already submitted. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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RESOLUTION NO. 5437-25

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council hereby authorizes Mayor Sherry Sullivan to execute a contract for Professional Services for closing costs and title insurance on the Bible Way Holiness Land Purchase with Kopesky & Britt, LLC with a cost not-to-exceed \$5,000.00; and further authorizes the Mayor to execute the purchase agreement for the property and easement described herein with a purchase price of \$18,000.00 with credit for \$1,000.00 already submitted.

DULY ADOPTED THIS 29TH DAY OF APRIL, 2025


Jack Burrell, Council President

Attest:


Lisa A. Manks, MMC
City Clerk

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution That the City Council hereby amends Resolution No. 5298-24 to add the following to II. Reservations, Section 5. b. "Groups that have held annual events and have consistently rented the auditorium for at least ten consecutive years are granted the privilege to reserve the venue with the same end time as in previous years." Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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RESOLUTION NO. 5438-25

**A RESOLUTION AMENDING RESOLUTION NO. 5298-24;
SPECIFICALLY II. RESERVATIONS: 5. b.**

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby amends Resolution No. 5298-24 to add the following to II. Reservations, Section 5. b. "Groups that have held annual events and have consistently rented the auditorium for at least ten consecutive years are granted the privilege to reserve the venue with the same end time as in previous years."

5. b. Rentals at the Fairhope Municipal Complex will not be permitted after 12:00 a.m. Event breakdown and clean-up (at minimum) should start at least one hour prior to the 12:00 a.m. closing time. Cleanup and equipment/decoration removal should be properly estimated and planned before renting the facility. Mardi Gras and City sponsored events are excluded from this policy. Groups that have held annual events and have consistently rented the auditorium for at least ten consecutive years are granted the privilege to reserve the venue with the same end time as in previous years.

The balance of Section 5. remains as written and adopted.

ADOPTED THIS 29TH DAY OF APRIL, 2025


Jack Burrell, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council hereby Repeals and Replaces Resolution No. 1409-07 setting forth the Rules and Regulations for the Operation of the James P. Nix Center Complex located at One Bayou Drive, Fairhope, Alabama. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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RESOLUTION NO. 5439-25

A RESOLUTION REPLACING RESOLUTION NO. 1409-07 SETTING FORTH THE RULES AND REGULATIONS FOR THE OPERATION OF THE JAMES P. NIX CENTER COMPLEX LOCATED AT ONE BAYOU DRIVE, FAIRHOPE, ALABAMA.

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

- I. The James P. Nix Center members will have priority use of the Center. The Ballroom and the Doris Chennell Cardroom may be rented to individuals or groups when available.
- II. RESERVATIONS
 - A. Reservations shall be on a first come, first served basis, except for Governmental functions which shall take precedence over all other functions and may necessitate the cancellation or postponement of an event.
 - B. Persons or groups wishing to reserve the Ballroom or Cardroom must complete, date, and sign the Application for Use of Activity Center Form, Cancellation Policy, Indemnity/Hold Harmless Agreement, Rental Rates and Rules Form, and pay the required rental fee in order to reserve the James P. Nix Center Ballroom or Doris Chennell Cardroom. No reservations will be confirmed until the rental fee is paid in full.
 - C. Cancellations or date changes must be in writing and signed by the application holder and must be given to the Rental Coordinator or Manager at the James P. Nix Center not less than sixty (60) days prior to the event for any refund to be given. Fee refunds will be made by check, less a 20% handling charge. No refunds will be made for cancellations made within sixty (60) days of the event.
 - D. Groups that have events that occur annually and have rented the ballroom for at least five (5) consecutive years shall have the right for advance booking provided that the James P. Nix Center receives the completed application(s) and payment(s) in full at least four (4) months prior to the requested dates.
 - E. The James P. Nix Center may not be rented on a weekly basis.

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- F. Rental rates shall be as follows:
1. The Ballroom is \$1,250.00 per eight (8) hour day Fairhope Resident Rate and \$1,750.00 per eight (8) hour day Fairhope Non-Resident Rate.
 2. Rentals on recognized city holidays will be charged an additional \$600.00.
 3. An additional (2) two hours, over and above the already included (8) eight hours, may be purchased for \$100.00 (\$250.00 on recognized city holidays).
 4. Audio/visual equipment is also available upon request, for an additional \$100.00 fee.
 5. The Doris Chennell Cardroom may be rented on weeknights for meetings for \$500.00 Fairhope Resident Rate and \$750.00 Non-Resident Rate for four (4) consecutive hours of use after 5:00pm.
- G. Rentals at the James P. Nix Center will not be permitted after 12:00 a.m. Event breakdown and clean-up (at minimum) should start at least one hour prior to the 12:00 a.m. closing time.
- H. The rental fee for the ballroom includes tables, chairs, one-time set-up, and commercial kitchen. The furniture, tables and chairs in the Doris Chennell Cardroom may not be moved.
- I. The Fairhope Public Schools and Thomas Hospital may use the James P. Nix Center provided it is available. See Resolution No. 4871-23 or Resolution adopted for the present fiscal year and Ordinance No. 1486.
- J. The City of Fairhope, its departments and agencies, and city sponsored functions shall be exempt from rental fees provided the functions will improve the skills, finances, or betterment of the sponsoring department or portray the City of Fairhope in the best light for the good and benefit of the citizens of Fairhope. This does not relieve the said departments from clean-up, cleaning fees, security responsibilities or any of the Rules & Regulations set forth in this Resolution.

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III. RULES AND REGULATIONS

- A. The number of Ballroom seating is to be given at the time of booking. Maximum seating and/or crowd capacity will be as per the Fire Code and event layout. Fire and exit lanes will be open at all times.
- B. Members and guests of the James P. Nix Center shall have priority of parking spaces during normal operating hours.
- C. Law Enforcement Personnel must be scheduled through the Fairhope Police Department and must be present during the entire event. Events requiring Law Enforcement Personnel include any event where alcohol is present, or any function at which security is deemed necessary by the City of Fairhope.
- D. Alcohol must be served by a bartender or caterer. If a cash bar is used, alcohol is sold, or alcohol is provided at a ticketed event, renter/caterer must show proof of proper ABC licensure.
- E. The Rental Coordinator or Manager will be the final authority regarding decorations.
 - 1. The James P. Nix Center does not provide cloth linens. However, paper tablecloths may be available for a fee.
 - 2. Decorations must be placed on the day of the event. No equipment or materials will be placed in the Ballroom or in the Doris Chennell Cardroom prior to the day and time of use unless approved by the Rental Coordinator or Manager.
 - 3. No painting will be permitted inside or outside the facility.
 - 4. All decorations are to be free-standing or approved by the Rental Coordinator or Manager. No nails, tacks, brackets or self-adhesive tape will be allowed on or in the walls, ceilings, floors, windows or any material that will deface, mar, or cause damage. No inflatables allowed.
 - 5. No shaving cream, toilet paper, silly string, rice, birdseed, sparklers, glitter, confetti (including decorative jewels), or the like will be thrown or used for decoration inside or outside the facility. Wedding sendoff items/throws must be approved by Rental Coordinator or Manager.

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All candles must be self-contained, battery candles preferred. If any of these are found on the floor, there will be additional clean-up/damage fees.

6. All decorations, personal equipment, supplies, and other materials must be removed following an event before the renter leaves the premises.
- F. In order to maintain health standards as required by state and county regulations, all users of the kitchen must comply with Alabama Department of Health guidelines.
1. The kitchen, along with its appliances and equipment, will be used only by City Personnel or in conjunction with the rental of the Ballroom or the Doris Chennell Cardroom.
 2. The renter must use a licensed catering service, with a current business license and health permit, for the event. The renter and/or caterer serving food/drink will furnish pots, pans, trays, plates, saucers, cups, serving dishes, glasses, and silverware all of which will be washed before use.
 3. Grease shall be disposed of properly by renter or caterer.
 4. It is the responsibility of the renter to inform the caterer and other vendors of the rules and regulations. The caterer and/or renter are responsible for ensuring that the kitchen is clean and sanitized. The Rental Coordinator or Manager can provide a detailed list of responsibilities.
- G. All garbage will be removed from the building by the renter as needed during, and at the close of the function before leaving the premises. Debris must be removed from the premises by the renter.
- H. Permission from the Rental Coordinator or Manager will be required for any person or group using appliances with special power requirements and/or cooking apparatus other than that provided by the Nix Center.
- I. The piano will remain in the Ballroom at all times. Nothing will be placed or stored in or on this instrument.

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- J. If children are present during the function, they must be supervised at all times. Any damaged or broken items will be the renter's financial responsibility as determined by the City of Fairhope.
- K. All groups and organizations are responsible for their own clean-up of the kitchen, decorations, garbage, and debris. Anything brought in by the renter and/or caterer must be removed by the renter and/or caterer. It is the responsibility of the renter to ensure that the Rules and Regulations are adhered to. The Rental Coordinator or Manager will review the clean-up schedule prior to the function and will conduct an inspection after the function to assess whether or not additional clean-up fees will be charged. An additional clean-up fee at the rate of \$50.00 per hour will be charged for any time and/or required personnel necessary to complete the responsibilities of the renter.
- L. Additional fees will be charged for any damaged or missing items which include, but are not limited to, any broken or missing items from the facility, and carpet and/or tile restoration (e.g., dragging coolers and other heavy equipment across the floors).
- M. The James P. Nix Center is a smoke-free facility. In compliance with City Ordinance No. 1311, "smoking is prohibited within a reasonable distance often (10) feet outside an enclosed area where smoking is prohibited, so as to ensure that tobacco smoke does not enter the area through entrances, windows, ventilation systems or other means." No smoking, use of other tobacco products, e-cigarettes, vaping, or other forms of smokeless tobacco are permitted in City facilities. The area around the fountain outside the main entrance is a designated smoking area. It is the renter's responsibility to ensure that all of those present at the function are made aware of and adhere to this Ordinance.
- N. The James P. Nix Center rentals and events shall not violate any Federal, State or Local law, including but not limited to the Code of Alabama, Section 13A-6-68 and Section 13A-12-130. The City of Fairhope reserves the right to deny to rent to any individual, group or organization which may pose a threat to public safety.
- O. Persons or groups using one or more of the facilities must also obtain a Special Event Insurance Policy naming the City of Fairhope as additional insured for any event open to the public, where tickets are sold, and/or alcohol is on the premises.

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1. A mandatory Certificate of Liability Insurance policy showing the minimum requirements must be provided to and accepted by the City, at least seven days prior to the submitted rental date. The insurance policy naming the City of Fairhope as additional insured for any event open to the public or where tickets/money/donations are exchanged.
2. Special Event Insurance Policy coverage and minimums:
Commercial General Liability
Coverage on an Occurrence from with a combined single limit of (Bodily Injury and Property Damage combined as follows:

Each occurrence	\$1,000,000
Personal and Advertising Injury	\$1,000,000
Products/Completed Operation Aggregate	\$2,000,000
General Aggregate	\$2,000,000
3. Coverages to include:
Premises and operations
Personal injury and Advertising Injury
Products/completed operations.
Independent Contractors
Blanket Contractual Liability
Broad Form Property Damage

The Council reserves the right to amend, delete, adjust, or waive any and all stipulations set out herein.

Adopted on this 29th day of April, 2025


Jack Burrell, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

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City Council reviewed an application for a Beer/Wine On/Off Premises License by John S. MacArthur, Fairhope Hemp LLC, d/b/a Johnny Macs, 505 Fairhope, Alabama 36532. Councilmember Martin moved to approve the issuance of the license. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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

- 1) Don DeGutz, 110 Blakeney Avenue, addressed the City Council regarding marketing natural gas; and mentioned a study from December 2022 where 12.7 percent of childhood asthma comes from use of gas stoves. Councilmember Martin questioned Mr. DeGutz on the source of the study, what medical article, and statistics. Mr. DeGutz did not have any.
- 2) Zeke Dernlan, student at Ordo Amoris Classical Academy, addressed the City Council regarding sewer infrastructure issues, sewer overflows, and needed upgrades. He gave an example of the flower expense but not for sewer infrastructure.
- 3) Suzanne Walker, 710 South Mobile Street resident and President of the HOA for Magnolia Beach Town Homes, addressed the City Council regarding the illegal dumping logs into Mobile Bay. She mentioned asking a City employee regarding Tatumville Gulley; and he said it was not the City's. Ms. Walker commented it states on our website; all gulleys are maintained by the City. Council President Burrell said it is quite shocking; and it is clear someone cut these. He said we want to find out who is responsible.
- 4) Donna Riley-Lein, 19270 Greeno Road Lot 60, addressed the City Council regarding the Fairhope Public Library; and said she is in support of the Library, Library staff, and the Board. Ms. Riley-Lein mentioned a book she read at age 12, titled "Christy" which is a Christian Book and today would have been banned for the Teen Section. She told the City Council that she trusts the Library employees and the Board.
- 5) Mary Kate Dean, 707 Crystal Wells Court N., addressed the City Council regarding the Fairhope Public Library; and said she was a teacher at Daphne School. Ms. Dean said she is in support of the Library and trust them. She said they are American Library Association approved; and do not reshelve books.
- 6) Wendy Pickering, 26577 Cotton Bayou, Orange Beach, addressed the City Council regarding the Fairhope Public Library. She said they just want the books moved from the Teen Section to the Adult Section. She told the Mayor and City Councilmembers that they took an oath to protect citizens. Ms. Pickering stated that she will file formal claims against their surety bonds if they do not move the books.

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- 7) Dr. Caleb Whitehead, 20 Burlington Drive, addressed the City Council regarding the Fairhope Public Library; and said we are being called the worst library and we are one of the best. He said the primary ones who are sexually abused are children who need to see these books. Dr. Whitehead said he supports the Library. He mention a Florida House Bill 1505 regarding children with sexually transmitted diseases my have parental rights for medical treatment.
- 8) Savan Wilson, retired Library Science Professor, addressed the City Council regarding the Fairhope Public Library; and said the Library is defending the right to read. She said they were never trained for this; and this is a new year and for our society. Ms. Wilson said she is in support of the Library, Library staff, and the Board. She commented that reading is a basic freedom and choice. Ms. Wilson said if books are removed from Sections, children are being taught “don’t ask questions.”
- 9) Dirk Anderson, 27469 Elise Court, Daphne, addressed the City Council regarding the Fairhope Public Library; and said he wants the books moved to Adult Section. Mr. Anderson stated he was against the books; and has conservative values.
- 10) Maggie Davis, 210 Perdido Avenue, addressed the City Council regarding the Fairhope Public Library; and stated that she attended Public Schools. Ms. Davis said the Library is good and she supports the Library.
- 11) Anita Powell, citizen in Daphne, addressed the City Council regarding the Fairhope Public Library; and said she has lived on the Eastern Shore all of her life. Ms. Powell said she is in support of the Library; and thanked the City Council for their support. Ms. Powell said the Library shaped her into what she is today; and books are to challenge us.
- 12) Samantha Kingston, Willow Subdivision, addressed the City Council regarding the Fairhope Public Library; and said she is a strong support for the Library. Ms. Kingston also said she trust the Librarians.
- 13) Jennings Wright, 114 Spring Drive, addressed the City Council regarding the Fairhope Public Library; and said he is in support of the Library and the Board. Mr. Wright said the APLS is micromanaging Libraries; and also supports the City Council.
- 14) Nathaniel Spurgeon, 10539 McNeil Davis Lane A, addressed the City Council regarding the Fairhope Public Library; and commented he has eight children. He said the Library is a place for learning; and is in favor of the books being moved to Adult Section. Mr. Spurgeon told about his wife and mother-in-law being kidnapped and held for ransom.
- 15) Kelly Wright, Fairwood Subdivision, addressed the City Council regarding the Fairhope Public Library; and said she is in support of the Library. Ms. Wright commented these books exists throughout the World. She said the books can help counsel children through conversation.

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- 16) Taylor Damico, near the intersection at County Road 13 and Morphy Avenue, addressed the City Council regarding the Fairhope Public Library; and commented she cannot control what her son has seen on his phone. Ms. Damico said she is in support of the Library and books could help a child. She said the Library is a resource they can trust.
- 17) Jenny Douglas, 850 Cherry Circle, addressed the City Council regarding the Fairhope Public Library; and said she is in support of the Library. Ms. Douglas thanked the City Council for their support and for funding the Library.
- 18) Dr. Kathleen Heath, Therapist for children, addressed the City Council regarding the Fairhope Public Library; and commented she has worked for 35 years in Baldwin County and is licensed in many fields. She stated one out of six children are sexually abused; and there has been an increase in child homicides. Dr. Heath stated not one child in 10 years has been sexually abused from reading books. She said the books are important where they are in the Library. Dr. Heath also stated she has read the two books in question and these need to remain in the Teen Section.
- 19) Donald Furlong, 17606 Woodmere Court, addressed the City Council regarding the Fairhope Public Library; and said he is a parent and not perfect. Mr. Furlong stated, "he is not trying to take sides; and if his child brings a book home that is controversial, I can sit down and help explain it." Mr. Furlong said he was uncomfortable with the authoritarian group; and he is in support of the Library.
- 20) David Gespass, 40 Echo Lane, addressed the City Council regarding the Fairhope Public Library; and said he is in support of the Library. Mr. Gespass said the decision is for the Library to make.
- 21) Carolyn Mayo, 113 Sandy Shoal Loop, addressed the City Council regarding the Fairhope Public Library; and said she is in support of the Library. Ms. Mayo said she gave money to fill the gap from the halt in funding from the APLS. She said there is a whole room full of people next door.
- 22) Laura Johnson, resident of Daphne, addressed the City Council regarding the Fairhope Public Library; and said the standard has been set. She stated that the Library Board is not compliant; and access is the issue. She said the books should be removed from Children Section and placed in Adult Section.
- 23) Randy Wendt, 554 Southern Run, addressed the City Council regarding the Fairhope Public Library; and said he is in support of the Library. He told the City Council not to listen to the Marxist comments.
- 24) Andrew Mullek, 20760 Lacey Road, addressed the City Council regarding the Fairhope Public Library; and said he is in support of the Library. However, we are the only Library in violation; and should expose 10 year olds to sexually explicit books. He stated this is not being addressed and is not a new issue. Council President Burrell said the City did not have due process!
- 25) Brian Dasinger, citizen of Fairhope – no address given, addressed the City Council regarding the Fairhope Public Library; and said the Fairhope Library is not compliant and is in war with John Wahl. He told the City Council they were "woke" and "worthless;" and allowed "Pride Events" and "Drag Shows."

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Mr. Dasinger stated these books should be moved from the Teen Section to the Adult Section. He reminded everyone that this is an election year and hopes it will be a clean sweep.

Council President Burrell read an excerpt from an APLS letter from John Wahl dated February 7, 2025 that stated the Fairhope Public Library was in compliance. He said we are all citizens of the Community and have our own opinions. Council President Burrell stated we do not condone violating the law. He reiterated the books have been reviewed and books have been moved. Council President Burrell said we want to comply with the law; and the last thing we want is an over-reaching Government.

- 26) Mia Manifold, 9940 Windmill Road, addressed the City Council regarding the Fairhope Public Library; and told them she was an educator who taught emotionally challenged children. She said we underestimate what our children need and a book may help. Ms. Manifold stated she respects the Fairhope Public Library and the Librarians.
- 27) Laura Gamard, 248 South School Street, addressed the City Council regarding the Fairhope Public Library; and stated children need access to “Sold” and “Grown.” Ms. Gamard said she is in support of the Library and the Board.
- 28) Breanna Marsh, 16303 Hollowbrook Court, addressed the City Council regarding the Fairhope Public Library; and said children need equal access to books. Ms. Marsh said she is in support of the Library and the Board.
- 29) Gustavo Enrique, 219 Orleans Drive, addressed the City Council regarding the Fairhope Public Library; and stated that no one wants sexually explicit books in the Teen Section. Mr. Enrique said he has read all of the books being challenged; and some are okay and others are explicit. Mr. Enrique said he is in support of the Library and the Board; and stated this is a free society.
- 30) Cheryl Corvo, 20 Burlington Drive, addressed the City Council regarding the Fairhope Public Library; and said she is in support of the Library and the Board. She commented that this is an erasure issue and censorship. Ms. Corvo said “Liberty” is for all; and we need to teach and help our children.
- 31) Kay Clemmons, 16351 Holbrook Court, addressed the City Council regarding the Fairhope Public Library; and said she is in support of the Library and the Board.
- 32) Tim Dernlan, Elder for Redeemer Lutheran Church and former Head Master at Ordo Amoris Classical Academy, addressed the City Council regarding the Fairhope Public Library; and stated there are two million books printed each year. He said these books should not just be reshelfed but removed from the Library.
- 33) Willie Henry, 206 Nichols Avenue, addressed the City Council regarding the Fairhope Public Library; and told the City Council “do not be bullied by these people to do their agenda. They have shown there true colors; and it is just political.” Mr. Henry said he is in support of the Library.

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- 34) Emily Mann, Twin Beech Road, addressed the City Council regarding the Fairhope Public Library; and said she is an educator and we are fighting over two books. She commented that the six of you should not have been called worthless or been threatened. Ms. Mann said that is unfair and unprofessional; and said she is in support of the Library.
- 35) Carol Tebay, 98 Paddock Drive, addressed the City Council regarding the Fairhope Public Library; and said she trust the education of the Librarians and their decisions and hopes they do too. Ms. Tebay told the Mayor and City Council she appreciated them.
- 36) Amy Ananth, 54 Ingleside Street North, addressed the City Council regarding the Fairhope Public Library; and said she too is in support of the Mayor, City Council, and the Library. She asked the City Council to consider everything based on what the citizens of Fairhope support and what is best for the Community. Ms. Ananth stated again, "I support the Library."
- 37) Dr. Savage, Ridgewood Circle, addressed the City Council regarding the Fairhope Public Library; and said she is in support of the City, Community, and Library. She also said, "thank you all."
- 38) Lindsey Windom, 22811 Hillwood Road, addressed the City Council regarding the Fairhope Public Library; and mentioned the tiered library card system in place. Ms. Windom said her mom is a Librarian; and said she is in support of the Library.
- 39) Stephanie Durnin, 209 Hemlock Drive, addressed the City Council regarding the Fairhope Public Library; and said, "she could not be more disappointed in a group of people she voted for and elected." Ms. Durnin said the disappointment continued when the Library Board won Volunteers of the Year. She thanked Councilmember Robinson for speaking out today. She asked everyone who was watching or listening, if they want to run for election based on conservative values, contact runforfairhopecitycouncil@gmail.com.
- 40) Jessica Deese, 23885 Main Street, addressed the City Council regarding the Fairhope Public Library; and said she is in support of the Library, Board, and all of you. She mentioned the Supreme Court ruling that was based on Public School curriculum not a Public Library.
- 41) Rebecca Watson, 124 Fig Avenue and with Moins of Liberty, addressed the City Council regarding the Fairhope Public Library; and said she is in support of the Library. She said the books should be moved from the Teen Section to the Adult Section. Ms. Watson stated she went to the APLS several times; and then, read the definition of "Sexually Explicit." She said the Library is supposed to weed out the books and make a list. Ms. Watson mentioned the February Library Board minutes and read them to everyone. Ms. Watson said she trust the Librarian but not the Library Board. She said, "I invested in this Community and I am not moving."

Councilmember Martin responded the Alabama Statute would not consider a book harmful if it possesses "serious literary, artistic, political or scientific value for minors."

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- 42) Elizabeth Williams, 702 Greenwood Avenue, addressed the City Council regarding the Fairhope Public Library; and passed out a handout to the City Council. She mentioned the Miller test, also called the three-prong test for obscenity; and said all three must be met. Ms. Williams said she is in support of the Library and is with "Read Freely Alabama." She said the Library Board are following processes and procedures; and are volunteers.
- 43) Donna Nichols, Colony at the Ground, addressed the City Council regarding the Fairhope Library Board; and she said the Miller Test was a test for adults. She said we have laws to protect children; and the books should be moved from the Teen Section to the Adult Section.
- 44) Jeanine Normand, 720 Holly Drive, addressed the City Council regarding the Fairhope Public Library; and told the Mayor and City Council they were doing a wonderful job. Ms. Normand commented that the Library was in compliance; and said all of you were called "woke." She told them, "they were very sensible and to do the right thing; and citizens will vote for you." Ms. Normand said we are all concerned about the children.
- 45) Brent Shaw, 19721 Hunters Loop, addressed the City Council regarding the Fairhope Public Library; and said we set guidelines for our children and what is best for our children. He said the books should be moved from the Teen Section to the Adult Section. Mr. Shaw said we need to use common sense and pray for wisdom.

Councilmember Martin said we all have been called names, had fingers pointed, and lied to. He stated we all have a freedom to exist; and should meet in the middle and compromise. Councilmember Martin said we need to maintain democracy and a common thread of morality. He said, "we all have the same God; and with love we have order."

Councilmember Conyers mentioned the Library Board and the process that is now in place. Councilmember Conyers said he read the book "Sold" and it is appropriately shelved in the Teen Section. He stated the Library Board is unpaid volunteers trying to do the right thing; and will support their decision.

Councilmember Robinson stated none of us want our children having access to sexually explicit material. He said everything we do up here is difficult at times and not every decision is easy. But every decision we must look at the constitutional, the legal, the moral, and the ethical ramifications of each. He said moving books should not offend Librarians. He said there are processes in place and need to be followed; we need to come to a legal decision for the Community.

Councilmember Boone said he appreciates everyone that is still here; and commented he is not big on the ones that give their side and then leave. He thanked everyone who was still here; and gain said they were appreciated.

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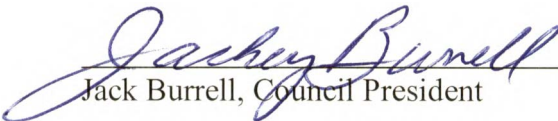
Mayor Sullivan apologized to Council President Burrell being beat up for the Volunteer of the Year award which is her decision every year. Mayor Sullivan said this decision was made based on the Library Board doing capital fundraising for the Teen Section and they have done a lot of things throughout the year. She reiterated they are volunteers. Mayor Sullivan said she has had conversations with John Wahl and a possible appeals process if we wanted a second opinion. She thanked everyone for coming here to voice their opinion for one side or the other. Mayor Sullivan said we serve a very diverse population who are free thinkers and like living in a democracy.

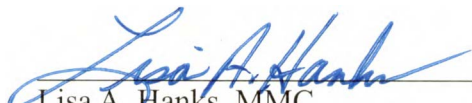
At the request of the City Attorney, Marcus E. McDowell, the City Council will rise from the meeting to go into Executive Session based on Alabama Code § 36-25A-7(a)(3) to discuss pending litigation and the legal ramifications of and legal options for potential litigation. The approximate time to be in Executive Session is 60 minutes. Councilmember Robinson moved to go into Executive Session. Seconded by Councilmember Martin, motion passed unanimously by voice vote.

Exited the dais at 9:21 p.m. Returned at 10:22 p.m.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 10:23 p.m.


Jack Burrell, Council President


Lisa A. Hanks, MMC
City Clerk