

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, 11 December 2023.

Present were Council President Corey Martin, Councilmembers: Jack Burrell, 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 Martin called the meeting to order. The invocation was given by Dr. Darren McClellan, pastor of Fairhope United Methodist Church, and the Pledge of Allegiance was recited.

Council President Martin stated there was a need to add on an agenda item after Agenda Item Number 26: a Resolution that the City of Fairhope approves the procurement of concrete and concrete forming materials for the Batting Cages. The total cost is not-to-exceed \$16,631.00.

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

Councilmember Robinson moved to approve minutes of the 27 November 2023, regular meeting; and minutes of the 27 November 2023, work session. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

Mayor Sullivan addressed the City Council and thanked the City employees for the Christmas Parade and other events during this time of the year. She told everyone it was a great event.

Mayor Sullivan addressed the City Council and introduced Boy Scout Ashton Sawyer with Pack 5087. Mr. Sawyer addressed the City Council and briefed them on his Interactive Tree Trail in North Park. He said there are 24 plaques with QR codes. He thanked the following individuals who helped him with this project: Mayor Sullivan, Jamie Rollins, George Ladd, Paige Crawford, Mae Moss Parker, Patrick Waldrop, Morgan Slay, Paul Fontenot, and the Tree Committee. Mayor Sullivan commented this is a “Legacy Project” due to the work Mike Ford did with the Tree Committee; and who is Ashton Sawyer’s grandfather.

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The following individuals spoke during Public Participation for Agenda Items:

- 1) Gary Gover, 300 Lincoln Street, addressed the City Council regarding Agenda Number 23: a resolution that approves Mayor Sullivan's selection of Pyro Productions, Inc. for our New Year Eve's Fireworks Display. Mr. Gover mentioned the use of Artificial Intelligence to find issues with fireworks and environmental effects. He said we should find another way to have these big displays.
- 2) William Silcox, 8351 Highway 98 in Barnwell, addressed the City Council regarding the issue with vehicles not stopping while his children are trying to get on the bus for school. He asked for help with this issue.

Councilmember Burrell thanked everyone, Mayor Sullivan, and Community Affairs Director Paige Crawford for all of their hard work to make the Christmas Parade a great event.

Councilmember Conyers congratulated Ashton Sawyer on his project; and Crystal for her festive outfit.

Councilmember Robinson thanked everyone for the Christmas Parade; and said it was a great event.

Councilmember Boone reiterated what everyone else commented; and said this is his favorite City event and best parade.

Council President Martin said he heard great comments regarding the Christmas Parade. He said good job everyone.

Council President Martin announced Agenda Item Number 5 had been pulled from the Agenda.

Councilmember Robinson introduced in writing an ordinance to annex the property of Nicole Scopolites, Administratrix for the Estate of James M. Scopolites, located at 8611 Gayfer Avenue Extension, Fairhope, Alabama. Tax Parcel 46-02-09-0-000-016.000 (PIN Number 43888), containing 4.66 acres, more or less.

Due to lack of a motion for immediate consideration, this ordinance will layover until the December 20, 2023 City Council meeting.

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11 December 2023

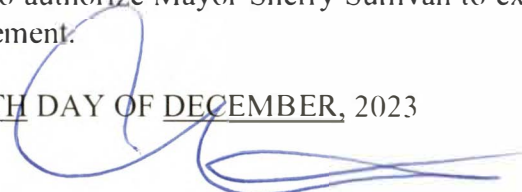
Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the procurement of a Three-Year Lease Renewal on the Hewlett-Packard DesignJet T2600 Plotter on NAPSO Contract for a 36/month lease and Service Agreement for a total FY24 Expense not-to-exceed \$3,523.53); and to authorize Mayor Sherry Sullivan to execute the Lease Agreement and Service Agreement. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4939-23

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

[1] That the City of Fairhope approves the procurement of a Three-Year Lease Renewal on the Hewlett-Packard DesignJet T2600 Plotter under the Statewide/NAPSO Contract for \$324.19/month for a 36/month lease. (9/months of FY24 with a not-to-exceed amount of \$2,917.71); with Service Agreement of (\$201.94/quarter for 3/quarters of FY24 with a not-to-exceed amount of \$605.82); (Total FY24 Expense \$3,523.53); and to authorize Mayor Sherry Sullivan to execute the Lease Agreement and Service Agreement.

ADOPTED ON THIS 11TH DAY OF DECEMBER, 2023



Corey Martin, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

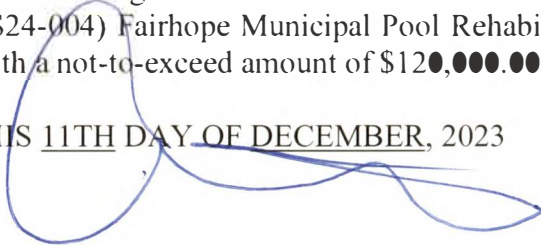
Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is hereby authorized to execute a Contract with Watermark Design for Professional Architectural and Engineering Services for (RFQ PS24-004) Fairhope Municipal Pool Rehabilitation - Phase II Design Documentation with a not-to-exceed amount of \$120,000.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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RESOLUTION NO. 4940-23

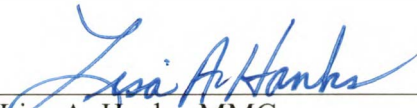
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Sherry Sullivan is hereby authorized to execute a Contract with Watermark Design for Professional Architecture and Engineering Services for (RFQ PS24-004) Fairhope Municipal Pool Rehabilitation – Phase II Design Documentation with a not-to-exceed amount of \$120,000.00.

DULY ADOPTED THIS 11TH DAY OF DECEMBER, 2023



Corey Martin, 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 to award (Bid No. 23-030) Consulting Services for FEMA Public Assistance Management Services - Government Services to Royal Engineers and Consultants, LLC; and the cost of this contract will be determined if it is activated at the time of a disaster. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4941-23

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 to procure services for (Bid No. 23-030) Consulting Services for FEMA Public Assistance Management Services – Government Services at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

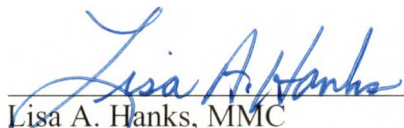
AC Disaster Consulting	84
BDO USA, P.C.	59
Forvis	63
Goodwyn Mills Cawood	74
ICF Incorporated, LLC	68
Innovative Emergency Management, Inc.	79
Royal Engineers and Consultants, LLC	87

[3] After evaluating the bids with the required specifications, Royal Engineers and Consultants, LLC is now awarded (Bid No. 23-030) for Consulting Services for FEMA Public Assistance Management Services – Government Services. The cost of this contract will be determined if it is activated at the time of a disaster. The hourly rates for this firm are included in proposal.

DULY ADOPTED THIS 11TH DAY OF DECEMBER, 2023

Corey Martin, 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 to award (Bid No. 23-031) Consulting Services for FEMA Public Assistance Management Services - Utility's Damage Projects to Royal Engineers and Consultants, LLC; and the cost of this contract will be determined if it is activated at the time of a disaster. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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11 December 2023

RESOLUTION NO. 4942-23

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

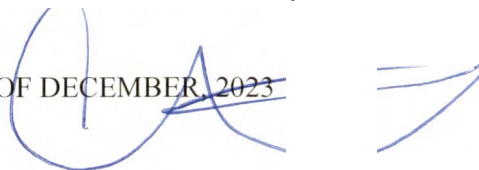
[1] That the did request, receive, and open bids to procure services for (Bid No. 23-031) Consulting Services for City of Fairhope FEMA Public Assistance Management Services – Utility’s Damage Projects at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

AC Disaster Consulting	82
BDO USA. P.C.	63
CSA Consulting Group, LLC	79
Goodwyn Mills Cawood	77
ICF Incorporated, LLC	73
Innovative Emergency Management, Inc.	80
Royal Engineers and Consultants, LLC	90

[3] After evaluating the bids with the required specifications, Royal Engineers and Consultants, LLC is now awarded (Bid No. 23-031) for Consulting Services for FEMA Public Assistance Management Services Utility’s Damage Projects. The cost of this contract will be determined if it is activated at the time of a disaster. The hourly rates for this firm are included in proposal.

DULY ADOPTED THIS 11TH DAY OF DECEMBER, 2023



Corey Martin, 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 Mayor Sherry Sullivan is hereby authorized to execute a Contract with Watershed for Professional Architectural and Engineering Services for (RFQ PS24-008) Nature Center Building Rehabilitation with a not-to-exceed amount of \$48,000.00. Seconded by Councilmember Burrell, motion passed unanimously by voice vote. Rebecca Bryant with Watershed was present to answer questions.

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RESOLUTION NO. 4943-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Sherry Sullivan is hereby authorized to execute a Contract with Watershed for Professional Architectural and Engineering Services for (RFQ PS24-008) Nature Center Building Rehabilitation with a not-to-exceed amount of \$48,000.00.

DULY ADOPTED THIS 11TH DAY OF DECEMBER, 2023

Corey Martin, 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 Mayor Sherry Sullivan is hereby authorized to execute a Contract with Gresham Smith for Professional Engineering Services for (RFQ PS24-009) Section Street Resurfacing in the Central Business District (CBD) with a not-to-exceed amount of \$59,517.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4944-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Sherry Sullivan is hereby authorized to execute a Contract with Gresham Smith for Professional Engineering Services for (RFQ PS24-009) Section Street Resurfacing in the Central Business District (CBD) with a not-to-exceed amount of \$59,517.00.

DULY ADOPTED THIS 11TH DAY OF DECEMBER, 2023

Corey Martin, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

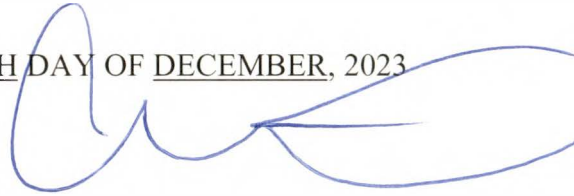
11 December 2023

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is hereby authorized to execute a contract with Kimley-Horn and Associates, Inc. for Professional Engineering Services for (RFQ PS23-027) Force Sewer Main Upgrades with a not-to-exceed amount of \$530,000.00. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

RESOLUTION NO. 4945-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Sherry Sullivan is hereby authorized to execute a Contract with Kimley-Horn and Associates, Inc. for Professional Engineering Services for (RFQ PS23-027) Force Sewer Main Upgrades with a not-to-exceed amount of \$530,000.00.

DULY ADOPTED THIS 11TH DAY OF DECEMBER, 2023



Corey Martin, 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 Kimley-Horn and Associates, Inc. for (RFQ PS24-010) Professional Engineering Services for the Lead Service Line Inventory and Compliance - Phase 1 with a not-to-exceed amount of \$77,700.00. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

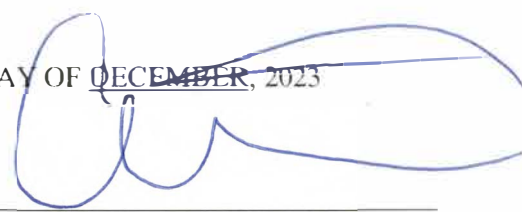
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11 December 2023

RESOLUTION NO. 4946-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA. That Mayor Sherry Sullivan is hereby authorized to execute a Contract with Kimley-Horn for (RFQ PS24-010) Professional Engineering Services for the Lead Service Line Inventory and Compliance – Phase 1 with a not-to-exceed amount of \$77,700.00.

DULY ADOPTED THIS 11TH DAY OF DECEMBER, 2023
Corey Martin, Council President

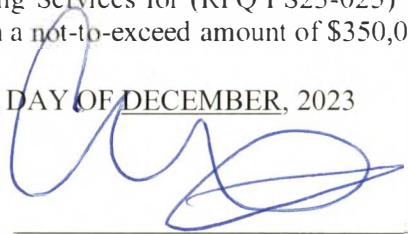
Attest:


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 Krebs Engineering and Associates for Professional Engineering Services for (RFQ PS23-025) Wastewater Treatment Plant Headworks Improvements with a not-to-exceed amount of \$350,000.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4947-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That Mayor Sherry Sullivan is hereby authorized to execute a Contract with Krebs Engineering for Professional Engineering Services for (RFQ PS23-025) Wastewater Treatment Plant Headworks Improvements with a not-to-exceed amount of \$350,000.00.

DULY ADOPTED THIS 11TH DAY OF DECEMBER, 2023
Corey Martin, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

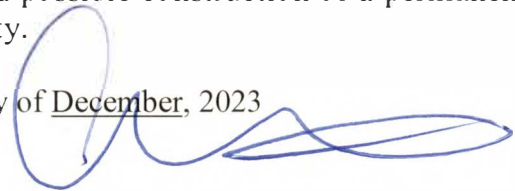
11 December 2023

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is hereby authorized to execute a Temporary Construction Easement and Purchase Options between the City of Fairhope, Grantee, and Bible Way Holiness Church, Grantor, for a non-exclusive temporary construction easement. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4948-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, That Mayor Sherry Sullivan is hereby authorized to execute a Temporary Construction Easement and Purchase Options between the City of Fairhope, Grantee, and Bible Way Holiness Church, Grantor, for a non-exclusive temporary construction easement: one 50'x125' temporary construction easement for a pilot test well on the northwest corner of Grantor's Property for the purpose of constructing a water well pilot bore and possible construction of a permanent in-ground water well on the subject property.

Adopted on this 11th day of December, 2023



Corey Martin, Council President

Attest:

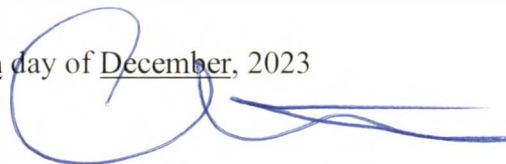

Lisa A. Hanks, MMC
City Clerk

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is hereby authorized to execute a Temporary Construction Easement and Purchase Options between the City of Fairhope, Grantee, and Baldwin County Board of Education, Grantor, for the following non-exclusive temporary construction easements. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

11 December 2023

RESOLUTION NO. 4949-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE. That Mayor Sherry Sullivan is hereby authorized to execute a Temporary Construction Easement and Purchase Options between the City of Fairhope, Grantee, and Baldwin County Board of Education, Grantor, for the following non-exclusive temporary construction easements: one 50'x50' temporary construction easement for a pilot test well on the northeast corner of Fairhope East Elementary School ("Fairhope East"); one 15-foot easement across the northeast side of Fairhope East to the pilot test well; and one 30' x 150' temporary construction easement on the northeast side of Fairhope to Well 8B), for the purpose of constructing a water well pilot bore and possible construction of a permanent in-ground water well on the northeast corner of Fairhope East Elementary School campus.

Adopted on this 11th day of December, 2023

Corey Martin, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

Councilmember Boone Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that until further notice and until feasibility studies are completed, the City Utility Department will not issue availability certificates for sewer service to new applicants outside the corporate limits of the City of Fairhope. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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11 December 2023

RESOLUTION NO. 4950-23

WHEREAS, in recent years the explosive growth of the City of Fairhope has put heavy demands on the resources of the City to meet the sewer needs of Fairhope residents and businesses; and

WHEREAS, these demands on the City's resources, particularly the demand for sewer, have made it increasingly difficult for the City to meet the needs of Fairhope's customers while continuing with the City's policy of serving sewer customers outside Fairhope's corporate limits; and

WHEREAS, while the City is presently engaged or will be engaged in research and professional studies designed to determine adequate capacity for sewer services and potential expansion of sewer infrastructure, the success of the effort is far from certain and, in any event, the costs of securing additional infrastructure for sewer services will be substantial; and

WHEREAS, the Governing Body of the City of Fairhope finds and declares its primary purpose to be the provision of sewer service to customers located within the corporate limits of the City of Fairhope.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA. That until further notice and until feasibility studies are completed, the City Utility Department will not issue availability certificates for sewer service to new applicants outside the corporate limits of the City of Fairhope. Additionally, as alternate sewer services including but not limited to septic tanks, aerobic lagoons, hydrograph lagoons, trench filters, alternate commercial services, etc., are not subject to inspection or permitting and do not meet the stringent standards of the City of Fairhope, an applicant using any of these alternate sewer types or services will not be eligible for annexation into the corporate limits of the City of Fairhope.

ADOPTED THIS 11TH DAY OF DECEMBER, 2023

Corey Martin, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

11 December 2023

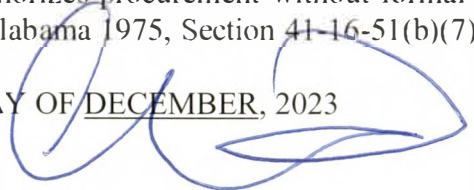
Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the procurement of Lights and Poles for the Greeno Road Median between Sportsman Marine to State Route 104 from Gresco for a not-to exceed cost of \$295,200.00; and authorizes procurement without formal bid based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7). Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 4951-23

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

[1] That the City of Fairhope approves the procurement of Lights and Poles for the Greeno Road Median between Sportsman Marine to State Route 104 from Gresco for a not-to exceed cost of \$295,200.00; and authorizes procurement without formal bid based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7).

ADOPTED ON THIS 11TH DAY OF DECEMBER, 2023



Corey Martin, 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 of Fairhope approves the procurement of Weathering Steel Poles from Meyer Utility Structures for a not-to-exceed cost of \$283,224.00; and authorizes procurement without formal bid based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7). This is a Sole Source Provider. Seconded by Councilmember Burrell, motion passed unanimously by voice vote.

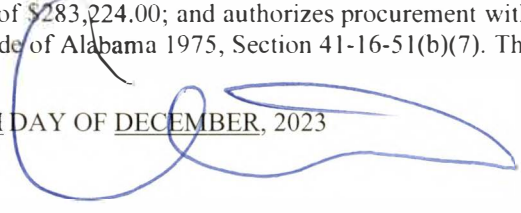
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11 December 2023

RESOLUTION NO. 4952-23

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA. That the City of Fairhope approves the procurement of Weathering Steel Poles from Meyer Utility Structures for a not-to exceed cost of \$283,224.00; and authorizes procurement without formal bid based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7). This is a Sole Source Provider.

ADOPTED ON THIS 11TH DAY OF DECEMBER, 2023

Corey Martin, 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 to award (Bid No. 24-009) New Sherman+Reilly Bullwheel Wire Tensioner or Equivalent to SouthCon with a total bid proposal not-to-exceed \$110,709.00. Seconded by Councilmember Conyers. motion passed unanimously by voice vote.

RESOLUTION NO. 4953-23

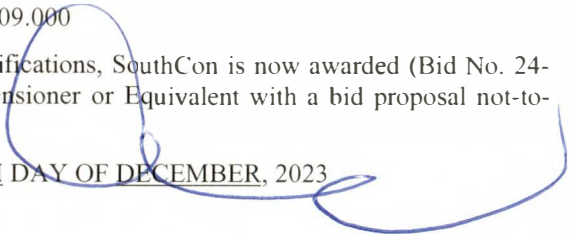
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA. as follows:

[1] That the City of Fairhope did request, receive, and open bids to procure services for (Bid No. 24-009) New Sherman+Reilly Bullwheel Wire Tensioner or Equivalent at 555 South Section Street in the City of Fairhope offices. Fairhope, Alabama.

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

SouthCon	\$110,709.000
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[3] After evaluating the bid with the required specifications, SouthCon is now awarded (Bid No. 24-009) for New Sherman+Reilly Bullwheel Wire Tensioner or Equivalent with a bid proposal not-to-exceed \$110,709.00.

DULY ADOPTED THIS 11TH DAY OF DECEMBER, 2023

Corey Martin, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

11 December 2023

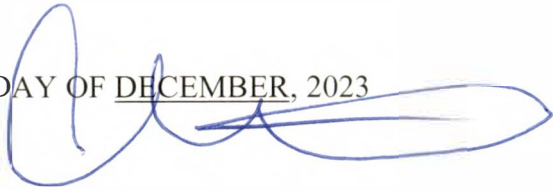
Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope approves the procurement for contractor Bagby & Russell Electric Company, Inc. to replace the Traffic Control Cabinet at the Intersection of Fairhope Avenue and Bancroft Road for a not-to-exceed cost of \$31,350.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 4954-23

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

[1] That the City of Fairhope approves the procurement of contractor Bagby & Russell Electric Company, Inc. to replace the Traffic Control Cabinet at the Intersection of Fairhope Avenue and Bancroft Road for a not-to exceed cost of \$31,350.00.

ADOPTED ON THIS 11TH DAY OF DECEMBER, 2023



Corey Martin, 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 of Fairhope approves Mayor Sherry Sullivan selection of Pyro Productions Inc. as Professional Consultant for (RFQ PS24-011) Design and Production of the Fireworks Display for New Year's Eve 2024, pursuant to Code of Alabama, "Pyrotechnic Shooter Law"; and authorizes the Mayor to execute a contract with an amount not-to-exceed \$12,000.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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11 December 2023

RESOLUTION NO. 4955-23

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

[1] That the City of Fairhope approves Mayor Sherry Sullivan selection of Pyro Productions Inc. as Professional Consultant for (RFQ PS24-011) Design and Production of the Fireworks Display for New Year's Eve 2024, pursuant to Code of Alabama, "Pyrotechnic Shooter Law"; and authorizes the Mayor to execute a contract with an amount not-to-exceed \$12,000.00; and authorizes the City Treasurer to pay \$6,000.00 with the execution of contract and \$6,000.00 on December 31, 2023.

[2] This professional service is exempt from formal bidding per Code of Alabama 1975, Section 41-16-51 (a)(3).

DULY ADOPTED THIS 11TH DAY OF DECEMBER, 2023



Corey Martin, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Sherry Sullivan is hereby authorized to execute a contract between the City of Fairhope and Music Garden to provide musical entertainment at the Fairhope New Year's Eve 2024 Celebration for a not-to-exceed amount of \$8,500.00; and authorize the City Treasurer to pay \$8,500.00 payable to Music Garden with execution of contract prior to the performance. Exempt from formal bidding per Code of Alabama 1975, Section 41-16-51 (a)(3). Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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11 December 2023

RESOLUTION NO. 4956-23

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

[1] That Mayor Sherry Sullivan is hereby authorized to execute a contract between the City of Fairhope and Music Garden to provide musical entertainment at the Fairhope New Year's Eve 2024 Celebration for a not-to-exceed amount of \$8,500.00; and authorize the City Treasurer to pay \$8,500.00 payable to Music Garden with execution of contract prior to the performance.

[2] This professional service is exempt from formal bidding per Code of Alabama 1975, Section 41-16-51 (a)(3).

ADOPTED ON THIS 11TH DAY OF DECEMBER, 2023



Corey Martin, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

Council President Martin announced Agenda Item Number 25 had been pulled from the Agenda.

Councilmember Robinson moved to grant the request of Randal Wright, on behalf of the Friends of the Fairhope Public Library, Requesting permission to serve alcohol at its annual Chocolate and Champagne Gala 2024 on Saturday, January 27, 2024, from 7:00 p.m. to 9:30 p.m. in the Fairhope Public Library. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution to approve the procurement of materials for the Batting Cages for the Recreation Department with a cost not-to-exceed \$16,631.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote. Recreation Director Pat White explained the two batting cages and said these would be placed behind Field 1 in the Northwest corner.

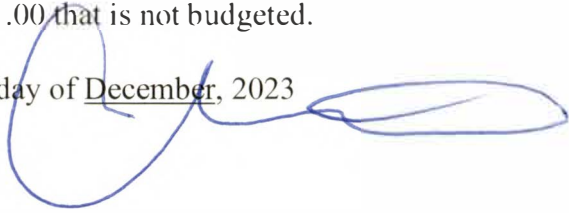
11 December 2023

RESOLUTION NO. 4957-23

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

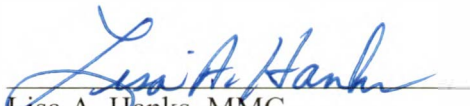
[1] That the City of Fairhope has voted to procure Materials for the Batting Cages for the Recreation Department; and the concrete is available for direct procurement through the South Alabama Purchasing Association ("SAPA") which has been nationally bid (\$11,700.00); and the lumber and forming materials from Creel Construction are under \$5,000.00 (\$4,931.00); therefore, do not have to be let out for bid. The total not to exceed cost is \$16,631.00 that is not budgeted.

Adopted on this 11th day of December, 2023



Corey Martin, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

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

- 1) Doug Greengard, 311 Wakefield Avenue, addressed the City Council regarding his opposition to some books in the teen section of the Fairhope Public Library. He told the Mayor and Councilmembers they had not commented on this issue; and said with no comments you must condone it. Mr. Greengard said if I handed out this material, how soon would I be arrested. Council President Martin asked Mr. Greengard has any of the authors been arrested. Councilmember Conyers responded everyone has their own opinion. Council President Martin commented there was a process, individuals read the books, and then books were reconsidered with the same result.
- 2) Charles Wilson, 489 Bartlett Avenue, addressed the City Council, and mentioned the Federal Law on Obscenity and read excerpts from it. He said the Board of Trustees approved these books without reading these. He asked City Clerk Lisa Hanks to make copies of the Federal Law on Obscenity and hand out to the Mayor, Councilmembers, and Library Board of Trustees.

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- 3) Carol Wilson, 489 Bartlett Avenue, addressed the City Council and mentioned a resolution for consideration that states no public building should provide a platform or distribution for obscene and objectionable materials to minors. She commented the Library Board of Trustees approved to keep the books in the teen area without a discussion. She asked the City Council to consider approving the resolution. Ms. Wilson commented on the two books she submitted for reconsideration.
- 4) Rebecca Bryant, 103 Blakeney Avenue, addressed the City Council and commented she knew about this issue but had not experienced it until tonight. Ms. Bryant said she does think there are a lot of Fairhoppers who have not attended these meetings but who support the process of the Library, support the free exchange of ideas, and deeply concerned and afraid of small subcommittee defining books (what is acceptable and what is not acceptable). Ms. Bryant said her family moved to Fairhope for the rich tradition of open exchange of ideas, and support of the arts. She said they are not welcome to limit our thoughts and what we can read.

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)(6) to discuss the consideration the City is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. The discussions could have a detrimental effect upon the competitive position of the City in the negotiations if the matter was discussed in public; and 36-25A-7(a)(3) to discuss controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action. The approximate time to be in Executive Session is 45 minutes. Councilmember Robinson moved to go into Executive Session. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Exited the dais at 7:08 p.m. Returned at 7:36 p.m.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 7:37 p.m.

Corey Martin, Council President



Lisa A. Hanks, MMC
City Clerk