

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 Wednesday, 6 March 2024.

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 Mike Megginson of 3 Circle Church and the Pledge of Allegiance was recited. Councilmember Robinson moved to approve minutes of the 26 February 2024, regular meeting; and minutes of the 26 February 2024, work session. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Mayor Sullivan addressed the City Council and reminded everyone about Arts and Crafts Festival next weekend. She thanked the volunteers and staff for their hard work with the Festival.

Councilmember Burrell said the Arts and Crafts Festival is one of his favorite events that the City of Fairhope holds. He too thanked everyone for their work with the Festival.

Councilmember Robinson announced that next Saturday is Opening Day for baseball and softball unless it is rained out. He said then Opening Day would be Sunday.

Councilmember Conyers moved for final adoption of Ordinance No. 1792, an ordinance to annex the property of JVN Holdings, LLC located at 18060 Greeno Road, Fairhope, Alabama. Tax Parcel 46-08-28-0-000-020.002 (PIN Number 348043); containing 2.20 acres, more or less. (Introduced, City Council Meeting, February 26, 2024) Seconded by Councilmember Robinson, motion for final adoption passed by the following voice votes: AYE – Burrell, Martin, Conyers, Robinson, and Boone. NAY - None.

Councilmember Conyers introduced in writing an ordinance amending Ordinance No. 1692; and repealing Ordinances No. 1479, No. 1587, and No. 1595: The Rules of Procedure in all instances for the Meetings of the City Council: Section II and Section III; specifically the City Council Meetings. Due to lack of a motion for immediate consideration, this ordinance will layover until the March 21, 2024 City Council meeting.

6 March 2024

Councilmember Burrell introduced in writing, and moved for the adoption of the following resolution, a resolution that the public improvements indicated herein for Old Battles Village, Phase 4B are hereby accepted for public maintenance subject to the bond posted; and authorizes Mayor Sherry Sullivan to execute the Maintenance and Guaranty Agreement between the City of Fairhope and 68V OBV 2020, LLC. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 5005-24

WHEREAS, the Owners of Old Battles Village, Phase Four-B desire to have all public streets and public right-of-ways dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2817-D, and all Fairhope public utilities located in public right-of-ways accepted for maintenance by the City of Fairhope, Alabama, and;

WHEREAS, the City of Fairhope, Alabama, has received notice from the engineers of the project that the design and capacity of the public improvements have been designed in conformance with City requirements, and;

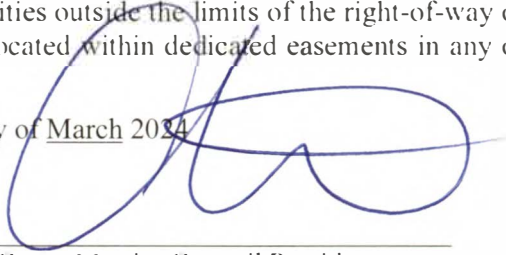
WHEREAS, the Public Works Director has indicated that the improvements meet City requirements, and;

WHEREAS, the City of Fairhope, Alabama, has received from the owners of Old Battles Village, Phase Four-B, maintenance bonds for the public improvements constructed for a period of 1 year, and;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA that the public improvements indicated herein for Old Battles Village, Phase Four-B are hereby accepted for public maintenance subject to the bond posted by the "Subdivider;" and authorizes Mayor Sherry Sullivan to execute the Maintenance and Guaranty Agreement between the City of Fairhope and 68V OBV 2020, LLC (the "Subdivider").

BE IT FURTHER RESOLVED this resolution of acceptance shall not obligate the City of Fairhope to maintain any utility or drainage facilities outside the limits of the right-of-way of the public streets, whether or not such may be located within dedicated easements in any of these developments.

Adopted, this 6th day of March 2024


Corey Martin, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

6 March 2024

Councilmember Robinson 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 an Agreement between the Baldwin County Commission, Rockwell, LLC, Encounter Development LLC and the City of Fairhope to allow Final Plat approval so that portions of a Subdivision, known as Rockwell Place, may annex into the City of Fairhope. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 5006-24

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby approves and authorizes Mayor Sherry Sullivan to execute an Agreement with the Baldwin County Commission, Rockwell, LLC, Encounter Development LLC and City of Fairhope to allow Final Plat approval so that portions of a Subdivision, known as Rockwell Place, may annex into the City of Fairhope.

ADOPTED ON THIS 6TH DAY OF MARCH 2024



Corey Martin, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the Mayor is hereby authorized to sign and execute any necessary and appropriate documents, including grant applications and grant agreements, so that the City of Fairhope and Fairhope Airport Authority can receive the grant funding described above, acting for and in behalf of the H. L. "Sonny" Callahan Airport in Fairhope, Alabama so that the grant applications for this AIP funding opportunity may be finalized, approved, and accepted in accordance with applicable law and procedures. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

6 March 2024

RESOLUTION NO. 5007-24

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRHOPE,
ALABAMA, APPROVING AND AUTHORIZING THE CITY TO APPLY
FOR AND ENTER INTO A GRANT AGREEMENT WITH THE
FEDERAL AVIATION ADMINISTRATION FOR THE BENEFIT OF
FAIRHOPE AIRPORT AUTHORITY AND THE FAIRHOPE AIRPORT**

WHEREAS, the United States of America acting through the Federal Aviation Administration has offered to pay an amount not to exceed \$150,000.00, together with matching funds from the Alabama Department of Transportation in the amount of \$8,334.00, for the 2024 AIP Funding Opportunity, with the overall scope of the projects being reimbursement for land acquisition;

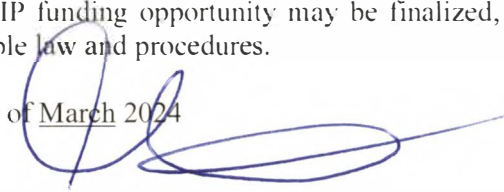
WHEREAS this offer of the Federal Aviation Administration and the Alabama Department of Transportation is contingent upon the sponsor's acceptance of the grant in accordance with its terms, namely and including, among others, the "Airport Sponsor Assurances" included as part of the Grant Agreements;

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

WHEREAS, the City, as airport sponsor, desires to apply for and to accept the AIP Funding Opportunity for the benefit of Fairhope Airport Authority and the Airport.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairhope, in a regular meeting of the City Council, that the Mayor is hereby authorized to sign and execute any necessary and appropriate documents, including grant applications and grant agreements, so that the City of Fairhope and Fairhope Airport Authority can receive the grant funding described above, acting for and in behalf of the H. L. "Sonny" Callahan Airport in Fairhope, Alabama so that the grant applications for this AIP funding opportunity may be finalized, approved, and accepted in accordance with applicable law and procedures.

Adopted this the 6th day of March 2024



Corey Martin, Council President

ATTEST:



Lisa A. Harris, MMC
City Clerk

6 March 2024

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope hereby accepts the Gulf of Mexico Energy and Securities Act (GOMESA) grant award of \$620,000.00 for Shoreline Restoration at Magnolia Beach; and authorizes Mayor Sherry Sullivan to sign all required grant documents on behalf of the City. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 5008-24

**AUTHORIZING THE EXECUTION OF A GOMESA GRANT
AGREEMENT WITH THE ALABAMA DEPARTMENT
OF CONSERVATION AND NATURAL RESOURCES FOR THE
MAGNOLIA BEACH SHORELINE RESTORATION**

WHEREAS, the City of Fairhope was recently awarded a Gulf of Mexico Energy Security Act of 2006 (GOMESA) Grant (No. G-CFMB 23 CF) with the Agreement by and between the State of Alabama Department of Conservation and Natural Resources (ADCNR) for the Magnolia Beach Shoreline Restoration; and

WHEREAS, the total estimated project cost is \$700,000.00, of which the grant amount is a not-to-exceed amount of \$620,000.00 to allow satisfactory completion of all Project Services following the execution of this Agreement; and

WHEREAS, the City of Fairhope warrants and represents that it will use the GOMESA funds provided under this Agreement in accordance with approved GOMESA and consistent with all applicable stated and federal laws; and

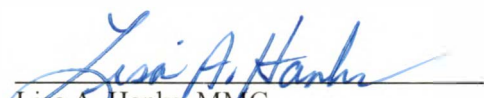
WHEREAS, City Staff will provide oversight of the project which shall begin on the date of the Mayor's signature and end in approximately 24 months;

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that City Council authorizes acceptance of the GOMESA Grant award from ADCNR and authorizes the Mayor to sign the Grant Agreement and other grant related documents on behalf of the City.

DULY ADOPTED THIS 6TH DAY OF MARCH 2024

Corey Martin, Council President

ATTEST:



Lisa A. Hanks, MMC
City Clerk

6 March 2024

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 the Warranty Deed from the City of Fairhope to Fairhope Single Tax Corporation for the property described in said Warranty Deed less the "Encroachment Note-2". Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

RESOLUTION NO. 5009-24

WHEREAS, Fairhope Single Tax Corporation and the City of Fairhope entered into a Reversionary Warranty Deed filed of record March 19, 1973, in Book 442, Page 465, wherein FSTC deeded to Fairhope, subject to a reversionary clause, the following described real property situated in Baldwin County, Alabama, to-wit:

All of Lot 1-A, according to the replat of Block 15, Division 1, and Block 30, Division 2, lands of the Fairhope Single Tax Corporation, as recorded in Map Book 8, Page 60, Slide 715-B, in the Office of the Judge of Probate, Baldwin County, Alabama, Fractional Section 18, T6S, R2E, Baldwin County, Alabama.

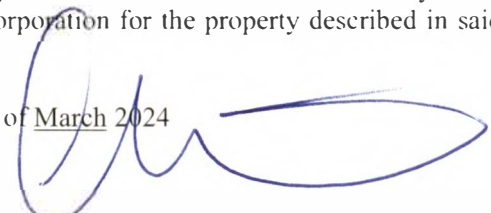
WHEREAS, That conveyance was made upon the express condition subsequent that in the event that the above described property shall be abandoned or no longer used by the Fairhope as an electrical substation in connection with its electrical distribution system that the title to the above described property shall thereupon immediately revert back to the Fairhope Single Tax Corporation, its successors or assigns.

WHEREAS, That conveyance contained an "Encroachment Note-2" upon the Morphy Avenue right-of-way that would continue to exist until such time as the site is no longer used as an electrical substation, at which time the area shown as an encroachment upon the Morphy Avenue right-of-way would become a part of said right-of-way as platted thereon.

WHEREAS, Fairhope has abandoned and no longer uses the above described property as an electrical substation in connection with its electrical distribution system.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, That Mayor Sherry Sullivan is hereby authorized to execute the Warranty Deed from the City of Fairhope to Fairhope Single Tax Corporation for the property described in said Warranty Deed less the "Encroachment Note-2."

Adopted on this 6th day of March 2024



Corey Martin, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk

6 March 2024

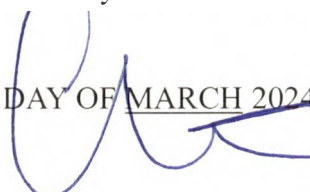
Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope does hereby grant and convey unto itself certain dedicated right of way easements on the Flying Creek Nature Preserve. Said conveyances are for a public purpose, constitute approximately 0.09 and 0.01 total acres and have no impact on park usage. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 5010-24

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

[1] That the City Council approves the selection of Thompson Engineering/Watermark Design for (RFQ PS24-015) Master Planning Services for the South Tract of the Flying Creek Nature Preserve – Off-Road Bicycling Facilities and Amenities; and hereby authorizes Mayor Sherry Sullivan to negotiate the fee schedule.

DULY ADOPTED THIS 6TH DAY OF MARCH 2024


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 Council approves the selection by Mayor Sherry Sullivan for Professional Engineering and Architectural Services for (RFQ PS24-015) Master Planning Services for the South Tract of the Flying Creek Nature Preserve - Off-Road Bicycling Facilities and Amenities to Thompson Engineering/Watermark Design; and allow Mayor Sullivan to negotiate the not-to-exceed fee to be approved by Council. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

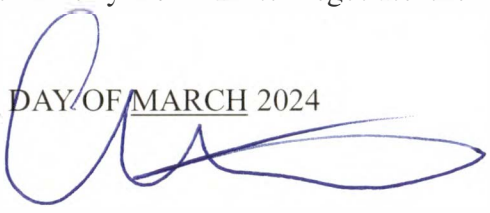
6 March 2024

RESOLUTION NO. 5011-24

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

[1] That the City Council approves the selection of Thompson Engineering/Watermark Design for (RFQ PS24-015) Master Planning Services for the South Tract of the Flying Creek Nature Preserve – Off-Road Bicycling Facilities and Amenities; and hereby authorizes Mayor Sherry Sullivan to negotiate the fee schedule.

DULY ADOPTED THIS 6TH DAY OF MARCH 2024



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. 24-026) to Xtreme Golf Management for Greens Drainage Project at Quail Creek Golf Course with a bid proposal not-to-exceed \$115,000.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote. Councilmember Burrell said just because it is under budget, the Department does not have an additional \$15,000.00 to spend.

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6 March 2024

RESOLUTION NO. 5012-24

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

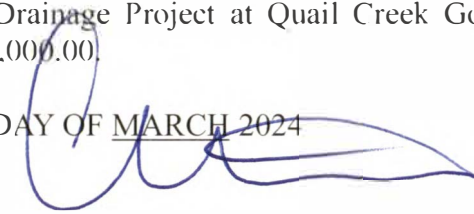
[1] That the City of Fairhope did request, receive, and open bids to procure services for (Bid No. 24-026) for Greens Drainage Project at Quail Creek Golf Course at 555 South Section Street at the City of Fairhope offices, Fairhope, Alabama.

[2] At the appointed time and place, on bid was received and tabulated as follows:

Xtreme Golf Management \$115,000.00

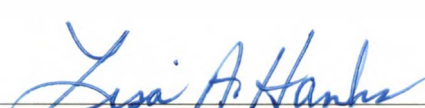
[3] After evaluating the bid with required specifications, Xtreme Golf Management is now awarded (Bid No. 24-026) for Greens Drainage Project at Quail Creek Golf Course with a bid proposal not-to-exceed \$115,000.00.

DULY ADOPTED THIS 6TH DAY OF MARCH 2024



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 renewal of the Motorola Astro System Advanced Plus Package for the Police Department from Motorola Solutions as Sole Source; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13). The cost will not-to-exceed \$33,330.48. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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6 March 2024

RESOLUTION NO. 5013-24

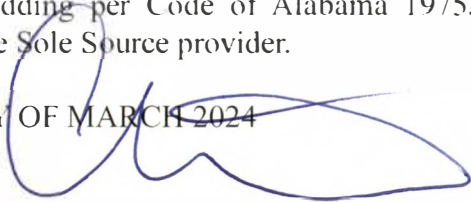
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That the City of Fairhope approves the procurement of the renewal of the Motorola Astro System Advanced Plus Package for the Police Department from Motorola Solutions for a not-to-exceed cost of \$33,330.48.

[2] Service Agreement includes the System Upgrade Agreement II, the ASTRO SUA II Field Implementation Service, and the ASTRO System Advanced Plus Package.

[3] This equipment is exempt from formal bidding per Code of Alabama 1975, Section 41-16-57(b)(1). Motorola Solutions is the Sole Source provider.

ADOPTED ON THIS 6TH DAY OF MARCH 2024



Corey Martin, Council President

Attest:


Lisa A. Hanks, MMC
City Clerk

Councilmember Burrell moved to grant the request of Chad Clark, Event Coordinator. The Fairhope Rotary Club Foundation requests approval of the "Fairhope Rotary Club Steak Cook-Off" on May 11, 2024 for street closures on Bancroft Street, between Fairhope Avenue and Morphy Avenue, and Johnson Avenue between Section Street and Bancroft Street; event from 12:00 p.m. to midnight; and approval to allow alcohol on City streets contingent upon ABC License and approval. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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

6 March 2024

There being no further business c me before the City Council, the meeting was duly adjourned at 6:22 p.m.

A handwritten signature in blue ink, appearing to read 'Corey Martin', written over a horizontal line.

Corey Martin, Council President

A handwritten signature in blue ink, appearing to read 'Lisa A. Hanks', written over a horizontal line.

Lisa A. Hanks, MMC
City Clerk