

**CITY OF FAIRHOPE  
CITY COUNCIL AGENDA**

**MONDAY, 13 AUGUST 2018 - 6:00 P.M. - CITY COUNCIL CHAMBER**

**Invocation and Pledge of Allegiance**

1. Approve minutes of 23 July 2018 Regular City Council Meeting, minutes of 23 July 2018 Work Session, and minutes of 23 July 2018 Agenda Meeting.
2. Report of the Mayor
3. Public Participation – Agenda Items – (3 minutes maximum)
4. Council Comments
5. **Final Adoption** – Ordinance – Amend Zoning Ordinance No. 1253.  
Request to zone the property of Firethorne Development, LLC to Planned Unit Development (PUD) concurrent with annexation into the City of Fairhope. This property is generally located at the south end of Hemlock Drive, Fairhope, Alabama. Tax PPIN: #366931 and #366945. The Village of Firethorne PUD. (Introduced at the July 23, 2018 City Council Meeting)
6. **Final Adoption** – An Ordinance to approve an Application from Coca Cola Bottling Company Consolidated for a Franchise Agreement to operate Beverage Vending Machines at the locations specified in Bid No. 001-018, Beverage Concession 2018; and it is to be in the best interest of the public and the City of Fairhope to grant this franchise. (Introduced at the July 23, 2018 City Council Meeting)
7. **Final Adoption** – Ordinance – An Ordinance repealing and replacing Ordinance No. 1331 known as the Impact Fee Ordinance. (Introduced at the July 23, 2018 City Council Meeting)
8. Ordinance – An Ordinance establishing a Municipal Procurement Card Program for Certain Officers and Employees of the City of Fairhope.
9. Resolution – That City Attorney Marcus McDowell and City Clerk Lisa Hanks are authorized to send a Request for an Attorney General’s opinion regarding Alabama law on the following questions:
  1. Act 2018-569 amended the Council-Manager Act of 1982 by adding the new Section 11-43A-1.1 permitting any Class 4, 5, 6, 7 or 8 municipality having a mayor-council form of government to adopt by resolution the council-manager form of government composed of either 5 or 7 council members, with the Mayor serving on the council and elected at large. The Act further permits the council in the resolution to specify whether the other council members will be elected at large or in single member districts. Prior to the passage of Act 2018-569, Section 11-43A-2 provided the exclusive means for a municipality to adopt the council-manager form of government which must be initiated by the filing of a petition of 10% or more of the voters who voted in the last general municipal election.

Pursuant to 11-43A-3 an election is mandated to be held within the municipality if the 10% threshold is met. If the council-manager form of government is adopted by a majority of voters, Section 11-43A-8(a) specifies that the council shall have 5 members consisting of a mayor and one council member elected at large and three council members elected from single member districts. Act 2018-569 did not amend or repeal Sections 11-43A-2 or 3 but there is a slight amendment to 11-43A-8(a). Does the petition process contained in the Council-Manager Act of 1982, as amended by Act 2018-569, permit the adoption of the council-manager form of government by petition to consist of council members elected at large as the legislature provided for in Section 11-43A-1.1 or does the petition process only to provide, pursuant to Section 11-43A-8(a) for election of councilmembers in single member districts?

2. If petitions submitted after adoption of Act 2018-569 do not specify whether council members will be elected at large or in single member districts are the petitions legally valid and due to be counted? If they are valid and due to be counted, how are councilmembers to be elected and when and how will that determination be made by the municipality?
  
10. Resolution – That Mayor Karin Wilson is hereby authorized to execute an Agreement between the City of Fairhope and the State of Alabama, acting by and through the Alabama Department of Transportation, for the installation, maintenance, and operation of a traffic signal at the intersection of U.S. 98 and South Drive in Fairhope, Alabama; and approves the funding of the painting upgrade of uprights and arms with a not to exceed amount of \$6,000.00.
  
11. Resolution – That the Fairhope City Council hereby authorizes Mayor Karin Wilson to negotiate a purchase price for 40 acres of property (Twin Beech area) available for the Recreation Department; and bring back to the City Council for approval and to authorize the use of Impact Fees for purchase.
  
12. Resolution – That the City Council approves the selection of MPACT Public Affairs Consulting to perform Public Relations Writing for various projects within the City for Economic and Community Development Department (RFQ No. PS029-18), and hereby authorizes Mayor Karin Wilson to negotiate a fee schedule, and establish a not-to-exceed limit with this firm.
  
13. Resolution – That Mayor Karin Wilson is hereby authorized to execute a contract with Goodwyn Mills Cawood, Inc. to perform Professional Engineering Services for Project 4: Fels Avenue Lift Station Rehabilitation for the Sewer Department (RFQ No. PS014-18) with a not-to-exceed amount of \$67,585.00.
  
14. Resolution – That Mayor Karin Wilson is hereby authorized to execute a contract with Hummingbird & South to perform Professional Advertising and Public Relations for the Economic and Community Development Department (RFQ No. PS028-18) with a not-to-exceed amount of \$8,812.50.
  
15. Resolution – That the City Council rescinds Resolution No. 3122-18; and authorizes the purchase of Ten (10) Marine Pedestals for Fairhope Docks from HyPower (that serves two vessels per pedestal) with a total cost of \$11,524.88; and recommends budget amendment for same.

16. Resolution – To Award Bid to Redd Pest Solution of the S. E., Inc. for Pest Control 2018 for the City of Fairhope with a total bid proposal for an annual cost not to exceed \$13,768.04 (Bid No. 025-18).
17. Resolution – To Award Bid to Gaillard Builders, Inc. for Pool Building Façade Repair for the Recreation Department with a total bid proposal of \$155,936.00 (Bid No. 002-18).
18. Resolution – To Award Bid to Ammons & Blackmon Construction, LLC for Citywide Resurfacing & Striping Project for the Public Works Department with a total bid proposal of \$344,304.25 (Bid No. 026-18).
19. Resolution – That the City of Fairhope has voted to procure the City’s MUNIS Software Annual Maintenance for IT Department, from Tyler Technologies, Inc. as Sole Source Distributor; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13): “Contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible to award by competitive bidding.” The cost will be \$45,361.07.
20. Resolution – That the City of Fairhope has voted to procure a 6,000 lb. Capacity Tier 4 Final Compliant Diesel Forklift for the Warehouse; and the equipment is available for direct procurement through the Sourcewell Purchasing Coop; and therefore, does not have to be let out for bid. This has been nationally bid through the Sourcewell’s bid process. The cost will be \$35,778.00.
21. Resolution – That the City Council hereby adopts to set the sequences for the appointment of an Interim Chief of Police and a Chief of Police for the City of Fairhope.
22. Resolution – That the City of Fairhope does hereby consent and agree to the transfer and assignment of Ricci Company, LLC d/b/a Shux on the Pier to David Mills and David Dearman.
23. Recommendation from the Recreation Board – That the City Council expend up to \$20,000.00 for acquisition and installation of a playground set at the Fairhope Soccer Complex, with the stipulation that the Fairhope Rotary Club will reimburse the City of Fairhope for the cost of the equipment itself. The equipment is available through the U. S. Communities Buying Group, so it doesn’t have to go out for bid. Equipment cost \$11,816.00, freight cost \$710.00, owner’s kit cost \$53.00, and installation cost \$6,695.00 for a total cost of \$19,274.00.
24. Request – Melissa Thompkins on behalf of the Fairhope K-6 Parent Teacher Corporation – Requesting permission to close the streets in downtown Fairhope on Saturday, February 2, 2019 from 6:00 a.m. to 10:00 a.m. for a 5K Run and 1 Mile Fun Run (“The Pirate Dash”) to raise money for the educational needs of the Fairhope Elementary and Fairhope Intermediate Schools, use of electricity and barricades; and to use Henry George Park for after Party.

25. Public Participation – (3 minutes maximum)
26. Adjourn

**City Council Work Session - 4:30 p.m.  
on Monday, August 13, 2018 – Council Chambers**

**City Council Agenda Meeting - 5:30 p.m.  
on Monday, August 13, 2018 – Council Chambers**

**Next Regular Meeting – Monday, August 27, 2018 - Same Time and Place**