

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, 14 February 2013.

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

Council President Burrell stated there was a need to add on an agenda item after Agenda Item Number 14; an Executive Session to discuss pending litigation.

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

There being a quorum present, Council President Burrell called the meeting to order. The invocation was given by Reverend William Parsons, from the Redeemer Lutheran Church, and the Pledge of Allegiance was recited. Councilmember Brewer moved to approve minutes of the 28 January 2013, regular meeting; minutes of the 28 January 2013, work session; minutes of the 28 January 2013, agenda meeting; minutes of the 31 January 2013, work session; and minutes of the 5 February 2013, Special City Council meeting. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Mayor Kant addressed the City Council regarding the following items:

1. Recognized the Police Department and the Public Works Department for their hard work with Mardi Gras which went well and everyone had a great time. He mentioned a need to buy more barricades.
2. Need to update our committees; a list will be put in your boxes to advertise and fill the ones vacant or expired.
3. Mentioned the ordinance for take home vehicles which is on the agenda. This is the exact ordinance which used to be in the Personnel Handbook. He said an analysis was done for the last three and a half years which showed the City paid approximately \$436,000 for these vehicles. This figure includes 16 vehicles in accidents and worker compensation claims.

14 February 2013

The following individuals spoke during Public Participation:

1. Colin Keleher, 105 Orleans Drive, addressed the City Council regarding Agenda Item Number 5, request to rezone the property of George B. Klumpp, Jr., Fran K. Riggs, and Michael B. Klumpp to be rezoned from R-A Residential/Agriculture District to R-2 Medium Density Single Family Residential District. He requested the City Council take off the last part which states "to be a part of Idlewild, Phase 9 and 10." He commented the Property Owners' Association was not asked about this addition.
2. Ken Lacey, 120 Royal Lane, addressed the City Council regarding Agenda Item Number 5. He said Morphy Avenue would run straight through Subdivision; and there are no requirements on homes like with Idlewild, so they should not use same name.
3. Jonas Lyborg, President of the Property Owners' Association and resident of 211 Royal Lane, addressed the City Council regarding Agenda Item Number 5. He was asked to speak at the Public Hearing which would be held after Council Comments.

Councilmember Ford addressed the City Council regarding the Recycling Committee and asked for anyone who wants to be a member to put their name in at the City.

Councilmember Boone addressed the City Council regarding the Harbor Board and also requested anyone who wants to be a member to put their name in at the City. Councilmember Boone announced that he would be abstaining on Agenda Item Number 5 due to a conflict.

Council President Burrell addressed the City Council regarding the Festival of Flight to be held in September 2013. He said there are sponsorships available and there will be a job fair onsite. He requested from Mayor Kant the economic impact of Mardi Gras for the City of Fairhope.

A Public Hearing was held as advertised on a proposed ordinance to Amend Zoning Ordinance No. 1253. Councilmember Ford introduced in writing an ordinance to rezone the property of George B. Klumpp, Jr., Fran K. Riggs, and Michael B. Klumpp to be rezoned from R-A Residential/Agriculture District to R-2 Medium Density Single Family Residential District. The Planning Commission decision was a favorable recommendation of this ordinance. The property is located at the east side of Thompson Hall Road just north of Windmill Road, Fairhope, Alabama to be a part of Idlewild, Phase 9 and 10.

14 February 2013

Council President Burrell opened the Public Hearing at 6:19 p.m.

1. Jonas Lyborg, 211 Royal Lane, addressed the City Council and stated no previous discussions were held with Property Owner's Association as to whether it should be a part of Idlewild. He mentioned retention ponds and storm drains. Traffic will increase. He also mentioned Page 13 of the Subdivision Regulations regarding name change in subdivision.
2. Terry Jensen, 264 Royal Lane, addressed the City Council and stated he does not see a great benefit for this addition. They should put a fence up and have their own subdivision.
3. Colin Keleher, 105 Orleans Drive addressed the City Council and requested the Property Owners' Association to be part of the preconstruction meeting.

Jonathan Smith, Planning Director, addressed the City Council and said this is a zoning issue not a Subdivision issue. The property owners will have covenants and restrictions of their own. The Planning Commission is the final decision for subdivisions. Drainage issue will be kept up and maintained per the City requirements.

Council President Burrell questioned the zoning for the original Idlewild. Mr. Smith replied R-2 which is what the property owners' are requesting to be rezoned.

Mayor Kant commented the name maybe could be changed to something other than Idlewild.

4. Steve Pumphrey of Preble-Rish, LLC addressed the City Council and said he agreed with Mr. Smith and will take back the request of possibly renaming the subdivision.
5. David Jester, 208 Orleans Drive, addressed the City Council and said the depreciation of homes is my biggest issue. He does not want the property to depreciate.

The Public Hearing closed at 6:36 p.m.

Due to the fact that Councilmember Boone previously announced his abstention from this Agenda Item, motion for immediate consideration failed for lack of a unanimous vote. This ordinance will layover until the February 25, 2013 City Council meeting.

14 February 2013

A Public Hearing was held as advertised on a proposed ordinance to Amend Zoning Ordinance No. 1253. Councilmember Ford introduced in writing Ordinance No. 1483, an ordinance to amend the Planned Unit Development known as North Village at Stone Creek, Fairhope; and to approve a site plan. The Planning Commission gave a favorable recommendation of this ordinance. The property is Lot 4, North Village at Stone Creek PUD, located north of Stone Creek Subdivision, west of State Highway 181 (aka County Road 27); Fairhope, Alabama.

Council President Burrell opened the Public Hearing at 6:38 p.m. Steve Pumphrey of Preble-Rish, LLC mentioned that this amendment reduces density in the PUD. No one present opposed the proposed ordinance, the Public Hearing closed at 6:40 p.m.

In order to take immediate action, Councilmember Boone moved for immediate consideration. Seconded by Councilmember Brewer, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None. Councilmember Mueller then moved for final adoption of Ordinance No. 1483. Seconded by Councilmember Brewer, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Boone introduced in writing Ordinance No. 1484, an ordinance to Repeal Ordinance No. 1416 and Amending Ordinance No. 1255 Known as the Personnel Rules, Policies and Procedures Ordinance, Section 8.10 Use of City Vehicles. In order to take immediate action, Councilmember Brewer moved for immediate consideration. Seconded by Councilmember Mueller, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None. Councilmember Boone then moved for final adoption of Ordinance No. 1484. The motion was seconded by Councilmember Brewer; and she requested from Mayor Kant to see the cost down the road and any net savings. Council President Burrell commented that they did not want to impose any hardship on employees and there was no harm intended. After further discussion, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to award bid for a Self-Contained 200 Gallon Sprayer for Quail Creek Golf Course (Bid No. 013-13) with a cost of \$32,560.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

14 February 2013

RESOLUTION NO. 2037-13

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

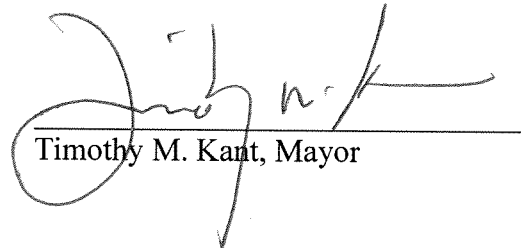
[1] That the City of Fairhope did request, receive, and open bids for a Self-Contained 200 Gallon Sprayer for Quail Creek Golf Course (Bid Number 013-13) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for
Self-Contained 200 Gallon Sprayer for Quail Creek Golf Course

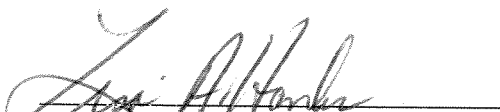
[3] After evaluating the bid proposals with the required bid specifications, Beard Equipment Company, with the total bid proposal of approximately \$32,560.00, is now awarded the bid for a Self-Contained 200 Gallon Sprayer for Quail Creek Golf Course.

Adopted on this 14th day of February, 2013



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

*

*

14 February 2013

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to award bid for a Two John Deere Out Front Mowers for the Street Department (Bid No. 009-13) with a cost of \$36,715.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2038-13

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

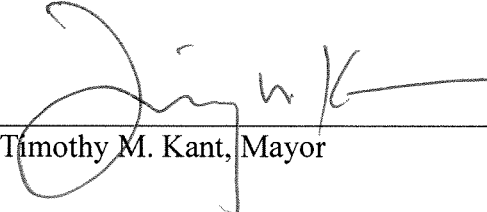
[1] That the City of Fairhope did request, receive, and open bids for Two John Deere Out Front Mowers for the Street Department (Bid Number 009-13) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for
Two John Deere Out Front Mowers for the Street Department


[3] After evaluating the bid proposals with the required bid specifications, Beard Equipment Company, with the total bid proposal of approximately \$36,715.00, is now awarded the bid for Two John Deere Out Front Mowers for the Street Department.

Adopted on this 14th day of February, 2013



Timothy M. Kant, Mayor

Attest:




Lisa A. Hanks, MMC
City Clerk

14 February 2013

CITY OF FAIRHOPE BID TABULATION AND RECOMMENDATION BID NO: 009-13 BID NAME: OUT-FRONT MOWERS BID OPENED: January 28, 2013, 2:30 P.M.								
VENDOR	Non-Collusion Statement & Bid Proposal Executed / Signed / Notarized	Delivery lead time ARO in days	Instructions / Specification Compliance	Bid Bond	Manufacturer	Model	Bid Price Per Unit	Total Bid Price Two Units
Beard Equipment Company	yes	21	yes	yes	John Deere	1435 Series II	\$18,357.00	\$ 36,714.00
Foley Implement Co.	yes	30-45	yes	yes	John Deere	1435	\$21,155.00	\$ 42,310.38
Golf Ventures	yes	30	no	yes	Jacobsen	69176 Turfcut	\$20,135.00	\$ 40,270.00
Jerry Pate Turf & Irrigation, Inc	yes	30	no	yes	Toro	Groundsmaster 3280-D 4wd	\$22,121.70	\$ 44,243.40
Bobcat of Mobile								no response
Clutch and Powertrain								no response
Dutchman's Lawn and Garden, LLC								no response
G&J Power Equipment								no response
JBT Power								no response
Kingline Equipment								no response
Southern Pride Lawn Care, Inc.								no response
Tombigbee Equipment, LLC								no response
T00rney Equipment Co., Inc.								no response
Tri-County Implement, Inc.								no response
Wilson-Diarmukes, Inc.								no response

Recommendation: Award bid to Beard Equipment Company in the amount of \$36,714.00

 Jennifer Fisher, Public Works Director

To the best of my knowledge this is an accurate bid tabulation

 Denise P. Ames, Purchasing Manager

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase three (3) reels of 1/10 Okonite Primary URD wire for the Electric Department with a cost of \$21,750.00. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

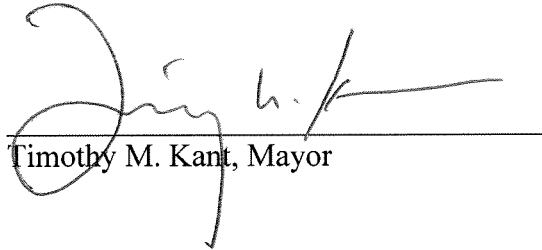
14 February 2013

RESOLUTION NO. 2039-13

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

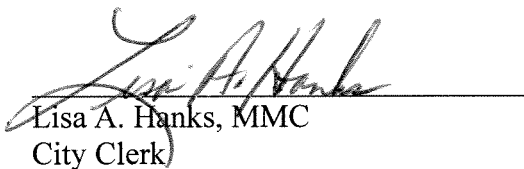
[1] That the City of Fairhope has voted to purchase Three (3) Reels of 1/10 Okonite Primary URD wire for the Electric Department. The cost will be approximately \$21,750.00.

Adopted on this 14th day of February 2013



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase a F150 Pick-up Truck for the Fairhope Volunteer Fire Department from the Alabama State Department of Purchasing bid list with a cost of \$18,832.00. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

*

*

14 February 2013

RESOLUTION NO. 2040-13

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

[1] That the City of Fairhope has voted to purchase a 2013 F150 Pick-up Truck for the Fairhope Volunteer Fire Department and the type of vehicle needed is on the Alabama State Department of Purchasing bid list and therefore does not have to be let out for bid; and

[2] The following is the Alabama State Department of Purchasing contract information:

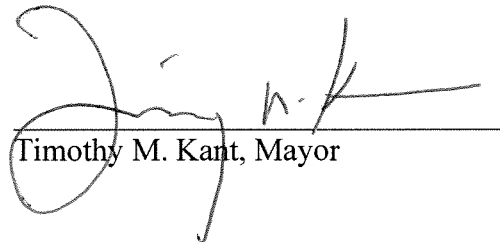
Bid Number: T191A

Contract Number: 4012410

Ford F150 Pick-up Truck

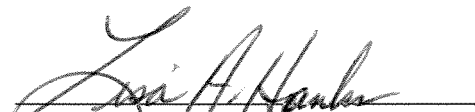
Cost is \$18,832.00

Adopted on this 14th day of February, 2013.



Timothy M. Kant, Mayor

Attest:



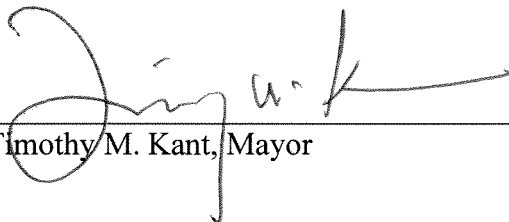
Lisa A. Hanks, MMC
City Clerk

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a second extension of a Contract with Thornton, Musso & Bellemin, Inc. for Phosphate Chemical Supply and Corrosion Testing for the Water Department. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

14 February 2013

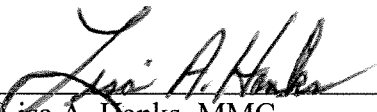
RESOLUTION NO. 2041-13

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute a second extension of the Contract with Thornton, Musso & Bellemin, Inc. for Phosphate Chemical Supply and Corrosion Testing for the Water Department for an additional one year as per the terms and conditions of the original contract. The cost of the testing will be \$.035 per 1000 gallons of water treated with phosphate and \$22.00 price per gallon of TKPP.

Adopted on this 14th day of February, 2013

Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution, a resolution that certain items are declared surplus and the Mayor and City Treasurer are authorized and directed to dispose of personal property owned by the City of Fairhope by receiving bids and being sold to the highest bidder. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

*

*

14 February 2013

RESOLUTION NO. 2042-13

WHEREAS, the City of Fairhope, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

WHEREAS, Section 11-43-56 of the Code of Alabama of 1975 authorizes the municipal governing body to dispose of unneeded personal property;

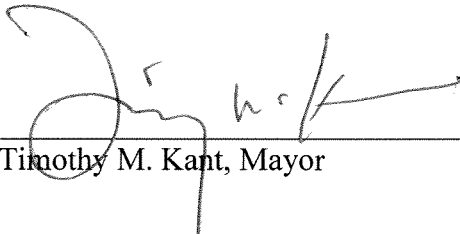
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FAIRHOPE, ALABAMA, AS FOLLOWS:

SECTION 1. That the following personal property owned by the City of Fairhope, Alabama, is not needed for public or municipal purposes, and hereby declared surplus:

[SEE ATTACHED LIST OF EQUIPMENT]


SECTION 2. That the Mayor and City Treasurer are hereby authorized and directed to dispose of the personal property owned by the City of Fairhope, Alabama, described in Section 1, above, by receiving bids for such property. All such property shall be sold to the highest bidder, provided, however, that the City Council shall have the authority to reject all bids when, in its opinion, it deems the bids to be less than adequate consideration for the personal property.

ADOPTED AND APPROVED THIS 14TH DAY OF FEBRUARY, 2012



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk

14 February 2013

List of City of Fairhope Surplus Vehicles/Equipment....for Auction

Item 1- 1983 Chevrolet 1500 pickup not started in 2 years
Vin. 1GCCC14DODF345541
Miles 140258.6

Item 2 -1986 Chevrolet 2500 pickup not started in 1 year
Vin. 2B4FR45K2KR159789
Miles 94.486

Item 3- 1995 Ford F800 W/Packer Loader not started in 1 year
Vin. 1FDYF80E3SVA48802
Miles 84.429

Item 4-2002 Chevrolet Impala 4 Door bad Transmission
Vin. 2G1WF539119938
Miles 121.228

Item 5- Kees out front mower
Model # ZKH 61251
Serial # 08003012

Item 6- 2000 Ford Crown Victoria (Police Interceptor)
Vin. 2FAFP71W7YX144150
Miles 195902

Item 7- 1998 Ford Crown Victoria (Police Interceptor)
Vin. 2FAFP71WXXX137904
Miles 168835

Item 8- 1998 Ford Crown Victoria (Police Interceptor)
Vin. 2FAFP71W8XX137903
Miles 176144

Item 9- 2001 Ford Crown Victoria (Police Interceptor)
Vin. 2FAFP71W91X155981
Miles 138890

Item 10- 1995 Buick
Vin. IG4HP52L1SH465681
Miles 180664

14 February 2013

Item 11-1993 Ford F-150 ½ ton pickup
Vin. 1FTDF15N3PNA57249
Miles

Item 12- 1992 GMC Sierra pickup
Vin. 1GTDC14Z6NE505977
Miles 188647

Item 13- 1999 Ford F-150 pickup
Vin. 1FTRF17W8YNA74478
Miles

Item 14- 1960 Ford Tractor
Vin#310835

Item 15- Olathe Top Dresser mod.# 23
Vin. # 230499

Item 16- Smith co Drag machine Super Star
Vin.# 12307

Item 17 - Kubota 72" out front mower mod. # F2560
Vin. # 81614

14 February 2013

At the request of the City Attorney, Marion E. Wynne, the City Council will rise from the meeting to go into Executive Session based on Section 36-25A-7(a)(3) to discuss pending litigation. The approximate time to be in Executive Session is 10 minutes.

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

Exited the dais at 6:52 p.m. Returned at 7:05 p.m.


Council President Burrell announced that the City Council did not deliberate or agree on anything while in Executive Session.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 7:06 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk