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, 13 May 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.

There being a quorum present, Council President Burrell called the meeting to order. The invocation was given by Associate Pastor Jeff Ingram, of First Baptist Church, and the Pledge of Allegiance was recited. Councilmember Brewer moved to approve minutes of the 22 April 2013, regular meeting; minutes of the 22 April 2013, work session; and minutes of the 22 April 2013, agenda meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Mayor Kant addressed the City Council regarding the following items:

- 1. Our local bill has made it through the Senate and the House; and now waiting on the signature of the Governor to annex the property where Wal-Mart is located.
- 2. Restore Act meeting held last Friday and they selected the Department of Conservation as the Administrator over the funds. The Dauphin Island Sea Lab was selected as our Selection of Excellence.

Council President Burrell stated there was a need to add on an agenda item after Agenda Item Number 19; a Resolution Authorizing the submission of the Fairhope Police Department's application for funding for the CHP Competitive Grant Program for three police officers to impact Fairhope's Community policing capacity and crime prevention efforts.

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

The following individuals spoke during Public Participation:

1. Charlie Baumhauer, 805 Coleman Avenue, addressed the City Council regarding Agenda Item Number 17; request for a 4-way stop at Hospital Drive and Prospect. Mr. Baumhauer said traffic did need to be slowed down, mentioned the Pleasant and Michigan intersection, and requested at least one stop sign.

 Darrelyn Bender, Eastern Shore Chamber of Commerce, addressed the City Council regarding Agenda Item Number 14; request for permission to block streets for their Annual Arts and Crafts Festival on March 14, 15 and 16, 2014. Ms. Bender thanked the City Council and the Mayor for all of their help.

Councilmember Brewer addressed the City Council and introduced Angie Hall, Principal of Fairhope Middle School, who was attending the meeting tonight.

Councilmember Ford addressed the City Council and announced the Recycling Committee would like a few more members; and asked for volunteers to submit their applications. He also mentioned the need for a traffic study at Bancroft and Fairhope Avenue as well as Greeno Road and Gayfer Avenue; and questioned the fish being killed with dynamite. Mayor Kant replied that the lights were to be synchronized to help with traffic.

Council President Burrell addressed the City Council regarding looping of the Council Chambers; and videotaping meetings and putting on public access television.

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 amend Article III Zoning Districts, Section D. Special Conditions for Uses; 11. Body-Piercing Studios, Non-Chartered Financial Institutions, Palm Readers, Pawn Shops, Tattoo Parlors. The Planning Commission gave a favorable recommendation of this ordinance.

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

Planning Director Jonathan Smith briefly explained the proposed ordinance and said this is only a zoning issue.

- 1. Kevin Black, 12625 Boone Lane, addressed the City Council and stated he was the owner of Man-O-War Tattoo Studio. Mr. Black said he would be adversely affected by this ordinance which he is against.
- 2. Billy Michalopoulos, Belize River Street, addressed the City Council and stated he wanted justification of the amendment and also was against the ordinance.
- 3. Paul Ripp, 22985 High Ridge Road, addressed the City Council and stated he was against the ordinance.
- 4. Frank Thrasher, partner of Man-O-Ware, addressed the City Council and said there was no difference in tattooing a scar or covering a scar. The technique is still the same and he too is against the ordinance.

The Public Hearing closed at 6:41 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the May 28, 2013 City Council meeting.

Councilmember Mueller moved for final adoption of Ordinance No. 1493, an ordinance to Repeal Sections 3-1 through 3-5 in the Fairhope Code of Ordinances that Establish the Fairhope Airport Board; to Repeal Ordinance No. 681 and Ordinance No. 743; and to Amend Ordinance No. 920 removing the Name of Fairhope Airport Board (Introduced at the April 22, 2013 City Council Meeting). Seconded by Councilmember Brewer, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Brewer introduced in writing Ordinance No. 1494, an ordinance to Provide for Rules and Regulations for the City of Fairhope Dog Park. 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 Brewer then moved for final adoption of Ordinance No. 1494. Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Brewer introduced in writing Ordinance No. 1495, an ordinance to Amend Ordinance No. 1490, An Ordinance to Amend Chapter 19, Article V, Policy and Procedure for Sidewalk/Street Usage Section 19-82: Permitted Use. 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 Mueller then moved for final adoption of Ordinance No. 1495. Seconded by Councilmember Brewer, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to Award Bid for County Road 13 and Highway 104 Water main Improvement and South Drive Booster Station Upgrade to Construction Labor Services, Inc. with a cost not to exceed \$1,082,724.59. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

#### **RESOLUTION NO. 2080-13**

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

- [1] That the City of Fairhope, by and through Thompson Engineering, Project Engineer, did request, receive, and open bids for the County Road 13 and Highway 104 Water Main Improvement and South Drive Booster Station Upgrade (for Rock Creek Water Line) for the Water Department.
- [2] At the appointed time and place, the following bids were opened and tabulated as follows:

Please see attached Bid Tabulation for the County Road 13 and Highway 104 Water Main Improvement and South Drive Booster Station Upgrade (for Rock Creek Water Line) for the Water Department

[3] After evaluating the bid proposals with the required bid specifications, Construction Labor Services, Inc., with the total bid proposal of \$1,082,724.59, is now awarded the bid for the County Road 13 and Highway 104 Water Main Improvement and South Drive Booster Station Upgrade (for Rock Creek Water Line) for the Water Department.

Adopted on this 13th day of May, 2013

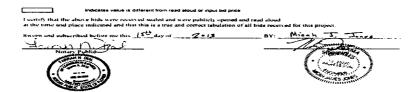
Timothy M. Kant, Mayor

Attest:

Lisa A Hanks, MMC

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3 12 C000 PVC	4793	10	\$25,00	\$460.00	\$44.00	\$460.60	\$41.36	\$513.90	\$86.00	\$440.00	\$46.00	\$450.00	\$210.00	\$2.10
A 11F CROS PVC	7225	15		\$118.825.00	\$15.00	\$186,366.00	\$27.63	\$130,850.00	\$22.10	\$106,041,30	\$23.00	\$113,984.70	\$21.44	\$101.90
5 Dreckma See 16" PE 10R 111	680	15	336.00 597.00	8281.775.00	\$\$0.00	\$361,260,00	\$44.61	\$322 307 2S	E46.85	\$295,141,25	\$30.70	\$263,220.60	\$25.00	\$260,01
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8 10° O. Pige	<del>  22</del> -	10	\$70.00	\$1,225.00	\$42.00	\$1,050.00	\$49.13	\$1,229.25	\$124.95	\$3,123.75	\$46.10	\$1,162.50	\$27.10	\$6
10 112 Ot Page	204	10	870.00	\$1,540.00 \$11,837.00	\$63.00	\$1,386.00	\$80.60	\$1 320 00	841.86	1003.12	\$44.00	\$1,233 80	\$36.16	
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13 12 Gate Valve and Bea	10	EA	\$3,150.00 \$1,792.00	\$31,550.00	\$3,154.00	\$31,540.00	\$2,807.00	\$20,076.00	53, M4 46	\$35.840.00	\$3,000.00	\$30,300.00	\$3,005.63	\$30.0
14 16 Goar Actuated Cate Valva and Box	<del>                                     </del>	1			\$1,600.00	\$4,600,00	81,670,71	\$4,736.13	63,074,64	\$4.222.60	\$2,30e.ed	\$6,694.00	\$1,614,56	\$4,0
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9 (Steel or HDPE)	240	ابرا	\$226.00	\$122,040,00	\$200.00	\$105,000,00	3100.04							
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M Joint Restraints (Magginus) - 14"	1	ᄚ	\$118.00	\$118.00	\$142.00	130 00	\$130.50	\$130.00	3120.00	\$120.00	\$170,00	\$1,660.08 \$170.66	8126.03	\$1.7
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1 Installation of Curidust and Conductors	1	1.3	34 603 00	\$4,503.00	\$7,000.00	\$7,000,00	317,360,00	E17.330.86	\$8,762.00	\$6,762.00	\$6,000,00	\$4,000,00	\$4 UBO 05	54
2 Property and Subant ADEM NOR (of Fee)	-	LS	\$1,816.00	\$1,618,00	\$12,000.00	\$12,000.00	\$2 744 00	52 744 80	62,497,00	\$2,467.00	\$1,000.00	51,000,00	\$6,180,00	54
Debustment of 6 Force Main & STA 74+80		LS	\$27.367 00	82.367.05	\$4,000.00	\$5,000.00	84,045.00	\$4,045.88	85.000.00	13.000.00	17.65	2.00	\$5.780.00 \$1.832.811	31.
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4 Iron Per, or my of PVC	1225		\$10.50	\$119 212 SD	\$35.00	1292,875 00	\$23.47	\$109,570.75	\$17 14	\$127.376 75	\$12.00	\$46 700 UO	\$16.57	\$119

					C, restriction.	Sunsymet industries		Hamptoll Construction		Goldman Contractors		Stat Inc	
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STEM	DESCRIPTION	qty	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	LINET PRICE			EXTEMBION
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	Remove and Replace Concrete Dates	10	LF	\$41.86	\$418.00	\$125.00	\$1,250.00		\$800.00	\$40.00	\$400.00	\$124.50	\$1,245.00
- 3	12" C900 PVC	4753	0	\$24.84	\$117,113.92	826 00	\$123.578.00		\$128,331.00	\$30.60	\$144,966 \$0	\$27.25	\$129.519.26
4	16" C905 PVC	7226	5	\$43.39	\$313,462.76	\$41.50	\$280,837 50		\$252,675.00	\$50.00	\$361,250.00	\$41.26	
	Directional Bore 16" PE (DR 11)	8	LF	\$87.67	\$64.007.80	\$115.00	576,200.00		\$61,000.00	\$120.00	\$61.600.00	\$116.00	\$78.880.00
- 6	Directional Bore 12" PE (DR 11)	1131	UF	\$49.82	\$78.966.42	\$80.00	\$90,480.00		\$113,100.00	\$80.00	\$101.790.00	\$79.00	\$80,348.00
,	Ductrie Iron Filangs	7660	LB	\$4.16	\$31,865.60	<b>\$3</b> 10	\$23,746.00		\$15,320.00	58 10	\$62,046.00	\$3 16	\$24,129.00
	8" Di Pipe	25	v	\$40 is	\$1,004.50	\$68.20	\$1,706,00	\$30.00	\$750.00	\$30.00	\$1,250.00	854.86	\$1,421.25
	10" DI Pipe	23	LF	\$46.36	\$1,019.70	\$86.70	\$1.861.40		\$860.00	\$64.00	\$1,430 00	\$46.00	\$1,459.50
	12" DI Pipe	ž		\$54.78	\$11,177.16	\$64.10	\$13,076.40		\$9,782.00	\$65.00	\$13,260.00	850.06	\$12,046,20
	16" Di Pipe	255	UF	\$67.76	\$17,278.60	\$79.50	\$20.272.50		\$13,260.00	\$75.00	\$18,126.00	\$84.00	\$21,573.00
	Fire Hydrant Assembly	10	EA	\$2,836.51	\$28,363.10	\$3,520.00	\$36,200.00	\$3.500.00	\$35,000.00	\$4,000 00	\$40.000.0b	\$3,540.00	\$35,400 00
	12" Gass Valve and Box	3	S	\$1,630.55	35,461.65	\$2,010.00	\$4,030.00		\$4,500.00	\$2,200.00	\$4,600.00	\$1,816.00	\$4,567.00
	16" Gear Actuated Gate Valve and Box	2	ÉA	\$6.717.06	\$13,434.10	\$7.046.00	\$14.100.00		\$12,000,00	\$8,000.00	\$16,000.00		\$13,114,00
	14" x 14" Tapping Steeve and Valve		ĒĀ	88,518,20	\$8,518.20	\$11,940.00	\$11,840.00		\$10,000.00		\$12,000.00		\$11,607.00
	12" x 12" Tapping Sleeve and Valve	2	ĒA	\$3,826.55	\$7,867.10	<b>\$5,420.00</b>	\$10,840,00		\$12,000.00	\$7,500.00	\$15,000.00	\$7.066.00	\$14,130.00
	10" X 10" Tapping Sleave and Valve	ļ	EA	\$3,321,70	\$3,321.70	\$4,630,00	\$4,630.00	\$5,000.00	\$5.000.00	\$4,000.00	54,000.00	\$5,654.09	\$5,554.00
1	Jeck and Bore or Directional Orid 20" Centing									-			
		70		\$131.06	59.238.00	\$195.00	\$13,660.00	\$160.00	\$11.200.00	\$160.00	\$10,800.00	8222.20	\$15,554.00
	Jack and Sore or Directional Drill 24" Ceang (Steel or HOPE)	540											
	Concrete for Weter Line Construction (Trius)	340	L-	5159.00	\$86,212.60	5193.00	\$104,220.00	\$162 00	\$80,200.00	\$170.00	591,800.00	\$224.66	\$121,311.00
	Blocks)	18	CV	\$159.00	\$2,442.00	\$219.00	53,924,00	\$100.00	\$1,800.00	5300.00	85 400 00		\$3,672.00
	Jont Restaires (Mageluge) - 8"	10	EA	\$100.00	\$2,862.00	\$218.00 \$72.60							
22	Joint Restraints (Megalygs) - 10"	- 19	1	\$135.85	\$135.60	\$95.90	\$725.00 \$86.90		\$800.00 \$100.00	\$100.00	\$1,000.00	\$66.00	
	Joint Resvames (Magaluge) - 12"	14	EA.	\$204 #2	17.44.44	\$137.00	51,914,00			\$150.00	\$150.00		
7-24	Joint Restraints (Magabas) - 14*		EA.	\$200.00	\$200.40	\$137.00	\$136.00		\$1,820.00	\$186.00	\$2,660.00		
	Joint Restraints (Magaluge) - 18"	10	EV.	\$423.45	\$7.522.10	\$785.00	\$139.00		\$170.00	\$400.00	\$400.00		\$183.00
26	Traffic Control	10	- EG	88,225 00	\$6,226.00	\$7,500,00	\$8,130.00 67,500.00	\$220.00	\$3,980.00	\$400.00	\$7,200.00	\$330.00	\$5,940.00
	Flustone Distriction and Testing	14492	- 3	\$8,225 00	\$10,469.00	\$7.500.00			\$10,000.00		\$10,000.00		
	Seeding & Mulching	14482	AC.	\$1,972.00	\$1,972.00	\$5,000,00	\$13,042.80 \$6,000.00	\$1.00	\$14,492.00	\$1.50	\$21,738.00		
	No. 12 Copper Tracer Wire	14492	~	\$1,972 00	\$1,972.00 \$3,333.16				\$4,000.00	\$4,000.00	\$5,000.00		
1	Pressure Sustainme/Pressure Rebal Valve of	14482	-	10 23	\$3,333.16	\$0.20	\$2 888 40	\$0.50	87,246.00	\$0.20	\$2,866.40	\$0.17	\$2,463.64
l so I	Concrete Vault		EA	\$17,936.28	\$12,936,28	\$14,180,00	\$14,160,00	522,000,00	£22,000.00				
			÷	317.00 24	\$12,939.20	814,100,00	514,100.00	\$22.000.00	\$12,000.00	\$13,500.00	\$13,500.00	\$15,796.00	\$15,796.00
	Furnish and Install Pumps, Control Panel, Skid							1					
	Plate Valves, Etc in Pump House	1	L5	\$209,257.21	\$209.257.21	\$213.560.90		\$190,000.00	\$190,000.00		\$225,000.00		
	Furnish and Install Garage Door	,	£	\$3,635.00	\$3,435.00	\$2,230.00	\$2,230.00		\$5,000.00	\$4,000.00	84,000.00		
33	Rypese Fump	10	DAY	81,345.00	\$13,450.90	\$1,270.00	\$12,700.00	\$100.00	\$1,000.00	\$1,500.00	\$15,000.00	\$836.00	\$9,360.00
34	Remove Emeting Pumps, Shid Plate and Control Panel			\$6,000.00	\$6,000.ug								
						87,830,00	87.930.00		\$4,000.00	85,000.00	85,000.00		
10	Aggregate Surfacing	20	CY	\$42.70	\$854.00	\$84.90	\$ 7.000.00	540.00	\$1,290.00	\$70.00	\$1,400.00	\$71.86	81,437.0
اعدا	Remove/ReplaceAsohalt Driveways/Roadways	450	34	\$31.35	\$14,107,50	\$17.80	\$4.010.00	\$30.00	\$13,500,00	E25.00	\$11,250,00	\$47.00	\$21,150.0
	Ar Rebel Valve	3	EA	\$3.962.80	\$11,948.40	\$17.80	\$4.010.00 616.360.00						
	Borrow Excavation (Contingency)	500	EA-						\$15.000.00	\$8,000.00	\$18,000.00		
	Asphalt Drivaway at Pump House	24	- SV	\$5.27 \$61.80	\$2,636.00	\$1.00	\$500.00		\$2,500.00	\$10.00	\$6,000.00		
H-30	repres unvewey as rump House		1-3Y	\$61.80	\$1,463,20	\$100.00	\$2,400.00	\$30.00	\$720.00	\$50.00	\$1,200.00	884.18	\$2,018.8
ا سا	Remove Halah and Rapar Roof at Puris House		LE	52.800.00	\$2,808.00	\$10,660.00	\$10.660.00	\$2,000,00	\$2,000.00	\$2,500 Qu	62,500.00	\$400.00	10000
	Installation of Condust and Conductors	$\rightarrow$	18	\$2.500.00	\$2,808.00	\$1,680.00	\$1,660,00		\$2,000.00	\$15,000,00	\$15,000.00		
	Prepare and Submit ADEM NOR (or Fee)	$\rightarrow$	13	\$2,475.00		\$1,080.00			\$5,000.00	\$15,000.00			
	Adjustment of 6" Force Main @ STA 74+90	$\rightarrow$	13	\$2.478.00	\$3,475 00	\$1,000,00	\$1,060.00		\$5,000.00	\$15,000.00	\$16,000.00 \$2,000.00		
	TOTAL BASE BID		••		31,144,051,16	-3 /100.00	\$1,197,418.00		\$1 (46,566.00	000.00	11 495 443.0	-3.420.00	813812470
					51,144,001,16		51. tpr.+18.90	1	31.170.000.00	]	81,000,043.0	3 1	01.201.247.0
	ALTERNATE BID ITEMS												
	Difference in cost per linear foot for 16" Ductify from Pigy — You of PVC	7225		\$15.55	\$112.348.75	\$21.50	8155,332	\$21.00	\$161,725.00	\$30.50	5220.362.64	520.80	\$150,280 0
				4.5.55	V. 12.348.78	321.30		\$21.00	2101.730.00				



Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to Award Bid for Pest Control for all City Properties (Bid No. 013-13) to Kelly's Exterminating Service, Inc. with a cost of \$3,653.88. Seconded by Councilmember Boon e, motion passed unanimously by voice vote.

#### **RESOLUTION NO. 2081-13**

# 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 Annual Contract for Pest Control for all City properties (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.
- [3] After evaluating the bid proposals with the required bid specifications, Kelly's Exterminating Service, Inc., with the total bid proposal of \$3,653.88, is now awarded the bid for Annual Contract for Pest Control for all City properties.

Adopted on this 13th day of May, 2013

Timothy M. Kant, Mayor

Attest:

Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an Agreement with the Alabama Department of Transportation for the Cooperative Maintenance of State Right of Way at the intersection of U.S. Highway 98 and County Road 48. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

#### **RESOLUTION NO. 2082-13**

BE IT RESOLVED, BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE AS FOLLOWS:

1. WHEREAS, the City of Fairhope, Alabama enter into an agreement with the Alabama Department of Transportation, acting by and through its Transportation Director hereinafter referred to as the STATE for:

The Cooperative Maintenance of STATE Right of Way to secure a more pleasing appearance on the roadside along Fairhope Avenue between the eastern intersection of U. S. Highway 98 between Mile Post 45.31 and Mile Post 45.33 (at the intersection of U.S. Highway 98 at County Road 48) in Fairhope, Alabama for sidewalks, landscaping and vegetative cover.

- 2. WHEREAS, the agreement shall be executed in the name of the City of Fairhope, by its Mayor Timothy M. Kant, for and on its behalf.
- 3. WHEREAS, the agreement shall be attested by the City Clerk Lisa A. Hanks, and the seal of the City of Fairhope affixed thereto.

BE IT FURTHER RESOLVED that upon the completion of the execution of the Agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

Adopted and Approved this 13th day of May, 2013

Timoth M. Kant Mayor

Attest:

City Clerk

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to Approve for the City of Fairhope to join the Houston-Galveston Area Council Purchasing Cooperative and for Mayor Timothy M. Kant to execute all necessary documents. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

#### **RESOLUTION NO. 2083-13**

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby approves the City of Fairhope joining the Houston-Galveston Area Council Purchasing Cooperative (H-GAC) and authorizes Mayor Timothy M. Kant to execute all necessary documents and Contracts.

Approved and Adopted on this 13th day of May, 2013

Γimothy M. Kan, Mayor

Attest:

Lisa A. Hanks, MMC

City Clerk /

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to Purchase SCADA System Annual Software/Maintenance Agreement for the Electric, Water, and Gas Departments from Survalent Technology as Sole Source Distributor with a cost of \$18,340.00. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

## **RESOLUTION NO. 2084-13**

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 SCADA System Annual Software/Maintenance Agreement for the Electric, Water, and Gas Departments, from Survalent Technology 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 \$18,340.00.

Adopted on this 13th day of May, 2013

Timothy M. Kant, Mayor

Attest:

Lisa A. Hanks, MMC

Councilmember Brewer moved to grant the request of the Eastern Shore Chamber of Commerce requesting permission to block streets for their Annual Arts and Crafts Festival on March 14, 15, and 16, 2014; "No Parking After 5:00 p.m." signs be placed on Thursday morning on March 13th; and adequate City personnel to provide for a successful Festival. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Brewer moved to grant the request of Karin Wilson, Good Life Foundation, requesting permission to hold the 3<sup>rd</sup> Annual Kids Triathlon on Sunday, June 2, 2013 and use of Duck Pond, South Beach Park and street closures (approximately one hour) as well as use of barricades and cones. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Councilmember Brewer moved to grant the request of Casi Callaway, Mobile Bay Keepers, requesting permission to block streets and use of Bayfront Park for the Grand Man Triathlon 2013 on May 31 and June 1, 2013. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Brewer moved to approve the recommendation of the Street and Traffic Control Committee for speed calming devices on Sedgefield Drive. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Chief Petties addressed the City Council and stated the Committee was neutral for Hospital and Prospect stop sign, but wanted to do a traffic study at the Pleasant intersection which has more vehicles. Council President Burrell mentioned that it was brought up that stop signs were not to be used as speed calming devices. Councilmember Ford questioned Sedgefield being approved and not approving Hospital. Jennifer Fidler said that the Federal Highway Manual Regulations is where it is states stop signs are not used for speed calming.

Councilmember Ford moved to approve the placement of a 4-way stop at Hospital Drive and Prospect. Seconded by Councilmember Boone, motion failed by the following voice votes: AYE – Ford and Boone. NAY – Burrell, Mueller, and Brewer.

Councilmember Brewer moved to grant the request of Laura Wilson, representing Ronald McDonald House Charities of Mobile, requesting a Brief Variance in the Noise Ordinance on Saturday, May 25, 2013, for a 21 Gun Salute between the hours of 12:30 p.m. and 1:00 p.m. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

City Council reviewed an application for a Special Retail License by Douglas Lasher dba Ducks Unlimited, Inc. for the Eastern Shore Ducks Unlimited Scotch and Cigar Event, located at 77 South Section Street, Suite A, Fairhope, Alabama. Councilmember Brewer moved to approve the issuance of the license. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the submission of the Fairhope Police Department's application for funding for the CHP Competitive Grant Program for three police officers to impact Fairhope's Community policing capacity and crime prevention efforts. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

### **RESOLUTION NO. 2085-13**

# AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE FY 2013 COPS HIRING PROGRAM GRANT FOR THE CITY OF FAIRHOPE POLICE DEPARTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, hereby approves the Fairhope Police Department's application for funding for the CHP Competitive Grant Program for three police officers to impact Fairhope's Community policing capacity and crime prevention efforts.

DULY ADOPTED THIS 13TH DAY OF MAY, 2013

Cimothy M. Kant, Mayor

Attest:

Gary Gover, 300 Lincoln Street, addressed the City Council regarding Greeno Road and Gayfer intersection and the considerable bottleneck there. He suggested redesign the turning lanes. Mayor Kant replied that he met with ALDOT for long term planning for Greeno Road.

Paul Ripp, 22985 High Ridge Road, addressed the City Council regarding the complaint filed on the BP boom grant Fairhope received. He stated that both the original complaint and now a Part-Two to this Complaint were given to City Clerk Lisa Hanks; and wants these made part of the record for the City. He wants the two documents to be available to the public if requested. We should not do business with an elected official. Councilmember Boone stated we never said that and we would not support corruption in the City. Councilmember Ford questioned who wrote the complaints.

Council President Burrell said we are discussing two separate contracts; and the last one was the debris contract extension. He asked the City Attorney regarding this award and extension. City Attorney Wynne replied that this contract was subject to the bid law and Pittman was the low bidder. A State Official and his/her company have the right to bid. The onus is on the Public Official and he/she has to send a copy of the contract to the Ethics Commission. If the bid law states you must award to the lowest responsible and responsive bidder; and Pittman is the lowest responsible and responsive bidder. If you didn't award to Pittman, we would be violating the bid law.

Councilmember Brewer moved to adjourn the meeting. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:35 p.m.

Jack Burrell, Council Presiden

Lisa A. Hanks, MMC