

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, 10 December 2012.

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 Father Donald M. Smith, from St. James Episcopal Church, and the Pledge of Allegiance was recited. Councilmember Mueller moved to approve minutes of the 26 November 2012, regular meeting and of the 26 November 2012, work session. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Mayor Kant addressed the City Council regarding the following items:

- 1) Recognized Rose Fogarty, Finance Director, for the fifth year in a row to receive The Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association (“GFOA”) for its comprehensive annual financial report (CAFR). He also mentioned she would be retiring at the end of this month with sixteen years of service and presented Ms. Fogarty with a plaque from the City Council and himself.
- 2) Sherry Sullivan, Community Affairs Director, introduced Helen Legg who is on the Fairhope Swim Team, won the Girls Diving competition with a score of 340.15. Ms. Sullivan commented that Helen is the first pirate to be a State Champion at the AHSAA State and Dive Meet. Helen represented the City of Fairhope in the competition and we are proud of her.
- 3) Jim Horner, Chairman of the Fairhope Environmental Advisory Board, presented Jennifer Fidler with as the FEAB’s Environmental Employee of the Year Award. Mr. Horner commented on the great work Ms. Fidler did on the Volanta Watershed Projects.
- 4) Mayor Kant stated we had a record crowd for our Christmas Parade; and this was the first time all Councilmembers were involved.

Cynthia Boothe, 905 Diehl Avenue, addressed the City Council regarding Agenda Item Number 6 a resolution authorizing Mayor Kant to execute a contract for engineering services for the Troyer-Boothe Road Project with Preble-Rish, LLC; and to begin the bid process for construction to connect Troyer and Boothe Roads; and accepts the Fairhope Single Tax Corporation’s commitment for the engineers cost estimate for this project.

10 December 2012

Ms. Boothe stated that the Fairhope Single Tax Corporation may want to change the name of Boothe Road to Founders Drive. She told the City Council that the road was named after her father H. B. Boothe who was a lifelong resident since 1912 and worked for the telephone company. He was a member of civic organizations; anything that gave back to the community, especially for children. He was the secretary for the original Board of Directors of Thomas Hospital until he died. Ms. Boothe stated that Founders Drive has only been named that for a few years. She also mentioned that her father purchased the property on Boothe Road in the early 1940s. She asked the Council to consider all of this before deciding to change the name of Boothe Road.

Council President Burrell moved Agenda Item Number 10, Public Participation, due to the Executive Session being held at the end of the meeting. The following individuals spoke during Public Participation:

1. Diantha Minchew, 20665A Lawrence Road, and Jody Streety from Mobile addressed the City Council regarding the request by AHEPA 310 III for the 20 percent funding needed to purchase a van for the residents at AHEPA 310 III Apartments located on 20765 Bishop Road in Fairhope from the Alabama Department of Transportation. These apartments have been in Fairhope for 22 years and are HUD subsidized for low income and extremely low income residents.

City Attorney Wynne explained the need for a resolution and contract for an appropriation from the City. The contract must be "quid pro quo" which means the City gives the appropriation to an entity and the entity must provide a service or services back to the City which equals the appropriation.

Mayor Kant said there are 51 residents living at the facility. There are two Councilmembers looking at all of the requests for the Community Development budget. Mayor Kant suggested that the City Council go out and visit this facility.

Councilmember Ford addressed the City Council regarding the tree trimmers and the new sidewalks being broken on both sides. He suggested maybe using the right-of-ways instead of the sidewalks to place the legs of the trucks for trimming the trees. Council President Burrell asked Councilmembers Boone and Mueller to look into this issue.

Councilmember Boone addressed the City Council regarding the Chief of Police position. He said all applications are in; and there are around 50 plus applications. He mentioned that Mike Odom with the Fairhope Courier has requested to review the applications which were marked confidential. We are contacting them to explain the requests in order to give the applicants a chance to withdraw their application. All personal and confidential information will be redacted before the applications are made available for review.

10 December 2012

Council President Burrell announced the Street Committee will be meeting hopefully before the end of the year. This will eliminate the backlog of requests that have been presented to the City this year.

Council President Burrell also mentioned he and Councilmember Brewer have reviewed the requests that were sent in to be included in the Community Development budget. These are all well deserving organizations. He said we are on our second review and hope to make their recommendations to the City Council soon. All of these requests are taken seriously and we are trying to get those backlogs cleared too.

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an agreement between the City of Fairhope (James P. Nix Center) and the State of Alabama: acting by and through the Alabama Department of Transportation for public transportation; and to authorize the twenty (20) percent local matching share for a Capital Assistance Project for Senior Citizens Transportation. The motion was seconded by Councilmember Mueller.

Mayor Kant explained the resolution and said this request was not in the budget. However since the Building Department already has been given a car, the vehicle which was requested has been removed from the budget. This is an \$18,000 savings and the money for the van will come from these funds. After further discussion, the motion passed unanimously by voice vote.

*

*

*

*

10 December 2012

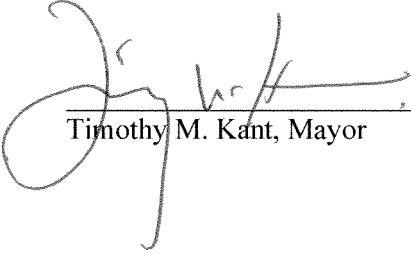
RESOLUTION NO. 1999-12

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

1. WHEREAS, the City of Fairhope/James P. Nix Center, enters into an agreement with the State of Alabama: acting by and through the Alabama Department of Transportation relating to public transportation with partial funding by the Federal Transit Administration, which agreement is before this Governing Body for the City of Fairhope; and
2. WHEREAS, the agreement to be executed in the name of the City of Fairhope/James P. Nix Center, 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; and
4. WHEREAS, the Governing Body for City of Fairhope authorizes the twenty (20) percent local matching share for a Capital Assistance Project for Senior Citizens Transportation in the amount of \$9,567.30.

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 who is custodian of records for the City of Fairhope.

Adopted and Approved this 10th day of December, 2012



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 contract for Engineering Services for the Troyer-Boothe Road Project with Preble-Rish, LLC; and for the Project Engineer to begin the bid process for the construction to connect Troyer and Boothe Roads; and accepts the Fairhope Single Tax Corporation's Commitment for the Engineers Cost Estimate for this project. The motion was seconded by Councilmember Boone.

10 December 2012

Mike Arnold, President of the Fairhope Single Tax Corporation (“FSTC”) addressed the City Council and said this project will assist with safe transportation. The FSTC made a commitment for this project with 100 percent funding. We will pay the engineer cost estimate for the project. He also explained the road name issue and it has to be with the 911 addressing. Joe Bullock, engineer from Preble-Rish, said they wanted to build the road the best possible for Fairhope. Mr. Bullock said they worked very hard with Jennifer Fidler who is an arborist because of the large concentration of live oaks.

Councilmember Boone moved to amend the resolution by approving all of the resolution, except the part that stated “and since there are four different names for this road (Bishop, Troyer, Boothe, and Founders) that it be named Founders Drive in honor of our Founders.” Seconded by Councilmember Brewer, the motion to amend the resolution passed unanimously by voice vote.

Councilmember Brewer then moved to approve the proposed resolution as amended. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2000-12

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute a Contract for Engineering Services for the Troyer-Boothe Road Project with Preble-Rish, LLC; and for the Project Engineer to begin the bid process for the construction to connect Troyer and Boothe Roads.

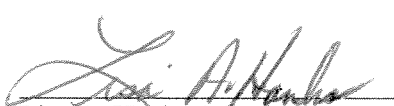
BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council accepts the Fairhope Single Tax Corporation’s Commitment for the Engineers Cost Estimate for the Troyer-Boothe Rod Project. When draws are made for this project, Fairhope Single Tax Corporation will pay the amount of the draw, up to the Engineers Cost Estimate into the General Fund of the City of Fairhope.

DULY ADOPTED THIS 10TH DAY OF DECEMBER, 2012



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

10 December 2012

Josh Farmer with Southern Drill Supply addressed the City Council regarding Agenda Item Number 7, a resolution to award bid for a boring machine for the Gas Department (Bid No. 001-13). He stated that it was noted prior to the demonstration that the machine being used was not the same machine we bid, but it operated in the same fashion. He said this was the second bid we have presented to Fairhope. Mr. Farmer said he now has authorization for the 500' rack and he is \$36,000 lower.

Mayor Kant replied that you cannot change the bid; you either award the bid to the recommended vendor or throw the bids out.

Brian Stanfield from Vermeer Southeast addressed the City Council regarding the resolution to award the bid. He stated that their machine will hold its value and we have trucks on the road for repairs when needed.

Dan Ames, Purchasing Manager, said that once bids are submitted the specifications cannot be changed. The Department requesting the item states which one meets the specifications and which one does not. Mr. Ames said bid proposals, specifications, and analysis were done; and numbers are now known and should not be open for discussions. He said the City Council either accepts and awards the bid or throw all of the bids out and start again. He commented the company not choosing to demo the exact item is a reflection of that company.

After further discussion, Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution, a resolution to Award Bid for a Boring Machine for the Gas Department (Bid No. 001-13). Seconded by Councilmember Boone, motion passed unanimously by voice vote.

*

*

*

10 December 2012

RESOLUTION NO. 2001-12

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

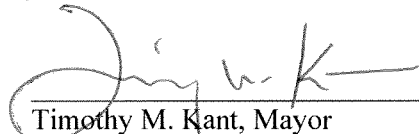
[1] That the City of Fairhope did request, receive, and open bids for a Boring Machine for the Gas Department (Bid Number 001-13) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation
for a Boring Machine for the Gas Department


[3] After evaluating the bid proposals with the required bid specifications, Vermeer Southeast Sales, Inc., with the total bid proposal of approximately \$186,039.00, is now awarded the bid for a Boring Machine for the Gas Department.

Adopted on this 10th day of December, 2012



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

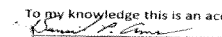
CITY OF FAIRHOPE
TABULATION and Recommendation
BID NUMBER: 001-13
BID NAME: Boring Machine
OPENED: 11-27-2012 2:00 p.m.
Bid Bond not more than
\$10,000

VENDOR	Non-Collusion/ Proposal Executed /Signed / Notarized	Addenda signed 1 & 2	ARO days	Instructions/ Specification Compliance	Bid(\$) Price Per Unit	Manufacturer	Model	LESS Trade-in(\$)	Total Base Bid \$	BID BOND
BEARD EQUIPMENT CO	no response									
COASTAL MACHINERY CO	no response									
COWIN EQUIPMENT COMPANY	NO BID									
DITCH WITCH OF MOBILE	yes	yes	30 days	yes	\$ 218,412.78	DitchWitch	JT3020 MACH 1	\$ 25,000.00	\$ 193,412.78	yes--ck
INFRA TECH CORP	no response									
SOUTHERN DRILL SUPPLY	yes	yes	45 days	no see Note 1	\$163,000.00	Universal HDD	24x40	\$ 12,500.00	\$ 150,500.00	yes--bond
THOMPSON TRACTOR CO	no response									
TRACTOR & EQUIPMENT CO	no response									
VERMEER SOUTHEAST	yes	yes	30 days	yes	\$201,039.00	Vermeer	D24x40 II	\$ 15,000.00	\$ 186,039.00	yes--ck

Note 1: Vendor did not meet rod rack specification.
Recommendation: Award to Bid to VERMEER SOUTHEAST SALES in the amount of \$186,039.00.



Steve Seay, Gas Superintendent 11/28/12

To my knowledge this is an accurate bid tabulation.


Daniel P. Ames, Purchasing Manager 11/27/12

10 December 2012

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a Contract with the Eastern Shore Art Center for use of City Facilities and for an appropriation of \$20,000 for funds to support and sponsor the educational programs through The Art Center's Academy of Fine Arts. The motion was seconded by Councilmember Mueller.

Councilmember Brewer said that she and Councilmember Mueller met with the Arts Center regarding this request; and they want to present a full blown discussion with the City Council.

Ms. Kate Fisher, President of the Eastern Shore Arts Center, addressed the City Council and explained the request was for art education for everyone. They hold year round art programs for schools, citizens of all ages, and teach artist with disabilities. She mentioned that State and County funding has been cut.

Councilmember Ford questioned if this request is the only one we will do this way; clarification is needed. Council President Burrell replied that education is being provided by the Eastern Shore Arts Center. We are going to take \$20,000 from the \$375,000 that has been earmarked for education. After further discussion, motion passed unanimously by voice vote.

RESOLUTION NO. 2002-12

WHEREAS, a contract shall be executed between the City of Fairhope and the Eastern Shore Art Center for contract funding educational programs through The Art Center's Academy of Fine Arts which provide art education and hands-on learning, on and off site, to all elements of our community: children, youth, adults, seniors, and special needs audiences, making an appropriation of \$20,000.00; and

WHEREAS, the Eastern Shore Art Center must continue First Friday Artwalk and all publicity as a community event; continue to provide summer art program for the Fairhope-Point Clear Rotary Youth Club (formerly known as the Boys and Girls Club); and provide low cost art classes for local youth and senior citizens; and

WHEREAS, the City of Fairhope approves the request from the Eastern Shore Art Center to use the streets (Section Street north of Magnolia to Oak Street and Oak Street to Bancroft and Equality) during their Outdoor Art Show, which is held during the annual Arts & Crafts Festival, on March 15 through March 17, 2013; to use the streets (Fairhope Avenue from Bancroft Avenue to Church Street and Section Street from De La Mare to Magnolia Avenue) for the 30th Grand Festival of Art on Friday, October 4, 2013 through Saturday, October 5, 2013; and requesting closure of the streets at 5:00 p.m. on Thursday, October 3, 2013 for set-up; and security to be provided, after hours, by the Fairhope Police Department; and

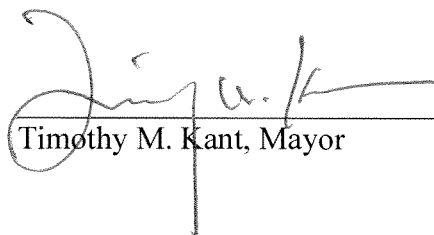
10 December 2012

WHEREAS, the term of said contract shall be for one (1) year, beginning 1 October 2012 and ending 30 September 2013; but the contract shall be cancelled at any time upon notice; and

WHEREAS, payment shall be made quarterly in the amount of \$1,666.67 from each of the Three Utility Funds of the City of Fairhope; or \$20,000.00 annually;

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, THAT Mayor Timothy M. Kant is hereby authorized to sign a contract between the City of Fairhope and the Eastern Shore Art Center for funds to support and sponsor the educational programs through the Art Center's Academy for Fine Arts.

DULY ADOPTED THIS 10TH DAY OF DECEMBER, 2012



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, MMC
City Clerk

At the request of the City Attorney, Marion E. Wynne, the City Council will rise from the meeting to go into Executive Session to discuss pending litigation. The approximate time to be in Executive Session is 30 minutes. Councilmember Mueller moved to go into Executive Session. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Exited the dais at 7:02 p.m. Returned at 7:47 p.m.

Councilmember Mueller moved to authorize Mayor Kant to continue negotiating and/or preparing the case on the White Avenue Parklands; and bring a final version back to the City Council for final adoption subject to the City Council's approval. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

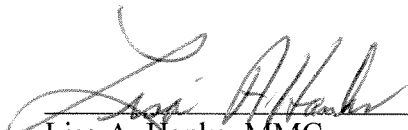
10 December 2012

Councilmember Boone 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 7:50 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk