

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

MONDAY, 9 APRIL 2012 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve Minutes of 26 March 2012 Regular City Council Meeting and minutes of the 26 March 2012 Work Session.
 2. Report of the Mayor
Joe Birindelli - Presentation
 3. Council Comments
 4. City Administrator
- ADD ON Request – Stacy Rekeweg, owner of Andree’s, requesting permission to use the Public Parking Lot at the corner of Bancroft and Fairhope Avenue adjacent to Julwin’s from 5:00 p.m. until 9:00 p.m. on Friday, April 27, 2012 for the Clark’s 50th Anniversary Party; they will provide monitors and the City will provide signage and barricades.
5. Public Participation
 6. Appointments – Economic and Industrial Development Board – Robert C. Gentle and Robert Lee
 7. Resolution – Setting a Public Hearing for the Consideration of the adoption of New Building, Mechanical, Plumbing, Fuel and Gas, Fire and Electric Codes.
 8. Resolution – Authorizing Mayor Timothy M. Kant to sign the Municipal Water Pollution Prevention Program (MWPP) Report for 2011.
 9. Resolution – Authorizing Mayor Timothy M. Kant to negotiate a fee schedule and to execute a Contract for Consulting Services with Hatch Mott MacDonald to Review Storm Water Management Plan and Storm Water Map, and Inventory for the City of Fairhope (RFQ PS010-12).
 10. Resolution – Authorizing Mayor Timothy M. Kant to negotiate a fee schedule and to execute a Contract for Professional Services for the City of Fairhope Website Design with Vision Internet Providers, Inc. (RFQ PS012-12).
 11. Resolution – Authorizing Mayor Timothy M. Kant 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 traffic signal coordination between and including Gayfer Avenue and Twin Beech Road along U. S. Highway 98 in Fairhope, Alabama.
 12. Resolution – Authorizing Mayor Timothy M. Kant to execute a Memorandum of Agreement with the Coast Guard Aviation Training Center Mobile, Alabama.

13. Ordinance – An Ordinance to Amend Ord. No. 1312 known as the Towing and Recovery Rotation Ordinance, Section 16, Maximum Allowable Towing/Storage Fees.
14. Request – Alix Brandow, Publix Super Market, requesting permission to hold a charity softball game on the City Softball fields on April 14, 2012 beginning at 9:00 a.m.; and approve not adding the City as secondary insured and only allowing hold harmless clause.
15. Adjourn

Next Regular Meeting Monday, April 23, 2012 Same Time and Place

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, 9 April 2012.

Present were Council President Lonnie L. Mixon, Councilmembers: Debbie W. Quinn, Daniel Stankoski, Michael A. Ford, and Rick Kingrea, Mayor Timothy M. Kant, City Attorney Marion E. Wynne, and City Clerk Lisa A. Hanks.

There being a quorum present, Council President Mixon called the meeting to order. The invocation was given by Austin Lee with Celebration Church and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 26 March 2012, regular meeting. He then stated if there are no corrections, the minutes stand approved as written.

Council President Mixon asked if there were any corrections to the minutes from the 26 March 2012, work session meeting. He then stated if there are no corrections, the minutes stand approved as written.

Mayor Kant addressed the City Council and asked for Joe Birindelli to come forward for his presentation. Mr. Birindelli, on behalf of the 1165th of the Army National Guard, presented to Mayor Kant and the City of Fairhope a mosaic flag picture which is made up of soldiers and sailors, and some of their equipment. Mr. Birindelli said the Citizens for Local Troop Support Committee received this picture at the annual meeting of the Army National Guard. The following statement is on the picture's plaque: "In appreciation of your dedication and support of the men and women of the Army National Guard who served to defend freedom."

Council President Mixon questioned Mayor Kant regarding the status of the following items: Finance position that was approved by the City Council, the Recreation Director position being filled, ALDOT turn lane on Highway 181 south of Gayfer, the paving and striping total cost and balance, and the resolution for Volkert, Inc. being pulled from the agenda.

Mayor Kant replied that we have filled the City Accountant's position, but did not remember his name. The Recreation Director position will be brought to the Council for approval, but Mr. Boyett has stated he will stay on part-time until we hire someone. Mayor Kant said the turn lane will be south of Gayfer and just past of Quail Creek. This should help with traffic as well as getting in and out of Quail Creek.

9 April 2012

He also said that it will remain until ALDOT four-lanes this part of Highway 181. He said we spent approximately \$1.6 million on paving and striping which should leave \$400,000 for micro-surfacing some of the streets. We should have the list soon. Ken Eslava has been working the list to and will get to the Council to review. Mayor Kant stated he did not pull the resolution, but was told there were financial issues with the previous contract that needed to be resolved before going forward.

Council President Mixon addressed Mayor Kant regarding his statements that the Council and Mayor were fighting for the past three years and hoped this year we could work together. He asked the Mayor to tell him what these statements are about. Mayor Kant replied that your agenda and my agenda are not on the same page; all I said was we needed to start working together.

Council President Mixon then read from the Handbook for Mayors and Councilmembers: Mayors and Councilmembers must recognize the fact that each is dedicated for the next four years. Therefore, it is imperative that a harmonious working relationship develops between the Mayor and the Council. The Mayor must take the initiative to establish a working relationship between the Council and the office of the Mayor.

Councilmember Quinn addressed the City Council on the following items:

- 1) Park Regulations are being updated by Rick Kingrea, Ralph Thayer, Maria Gwynn, and me. The updates have been sent to Tom Kuhl who will take to the Recreation Board for approval or disapproval.
- 2) World War II exhibit at the Museum and has a lot of local people on the wall.
- 3) The troop support group has been great and they have put out requests for goods. She mentioned her youngest son being stationed in Afghanistan and assigned to an outpost where the troops only get one MRE for the day. The support group is packaging up these goods to send to the troops. Now, she is working on phone cards for the troops.
- 4) Police Department now has an anonymous tip line. You can go on their website or Facebook to access; and people have already begun using it.

Councilmember Stankoski addressed the City Council on the following items:

- 1) The Hoot Scoot Run is on April 27, 2012 which benefits the Fairhope Library Foundation and there have been over 200,000 folks using the Library last year. We appreciate your support on that.
- 2) The Education Advisory Committee had a meeting on the fourth of this month. Bob Callahan, the School Board representative, presented some information and it was a very productive meeting. The next meeting will be on April 16, 2012 at 4:30 p.m. at the Nix Center.

9 April 2012

Council President Mixon announced that prior to the next City Council at 4:00 p.m. for a combined meeting with Financial Advisory Committee, Department Heads, and Council to go over the budget for 2012.

Councilmember Ford addressed the City Council regarding the striping especially on Bancroft. He mentioned talks about putting a center line back down and changing the parking; and questioned when this would occur. Mayor Kant replied the center line has already been done and now we are looking at the parking conditions.

City Clerk Lisa Hanks read the item to be added to the agenda: a motion to approve the Andree's request for the Clark's 50th Anniversary Party for public parking lot at the corner of Bancroft and Fairhope Avenue adjacent to Julwin's from 5:00 p.m. until 9:00 p.m. on Friday, April 27, 2012; they will provide monitors and the City will provide signage and barricades.

Councilmember Quinn moved to address the following item **not** on the printed agenda. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Quinn moved to approve the request from Stacy Rekeweg, owner of Andree's, requesting use of the Public Parking Lot at the corner of Bancroft and Fairhope Avenue adjacent to Julwin's from 5:00 p.m. until 9:00 p.m. on Friday, April 27, 2012 for the Clark's 50th Anniversary Party; they will provide monitors and the City will provide signage and barricades. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

The following individuals spoke during Public Participation:

1. Tony Wade, 503 Equality Avenue and owner of Tony's Towing, addressed the City Council regarding Agenda Number 13, known as the Towing and Recovery Rotation Ordinance. Mr. Wade thanked the City Council for looking into this ordinance.

City Administrator Mims addressed the City Council and briefly explained Agenda Items Number 6 through Number 15 prior to the City Council voting on same.

Councilmember Ford moved to appoint Robert "Bob" Gentle and Robert Lee to the Fairhope Economic and Industrial Board for a six year term. The term will expire in April 2018. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

9 April 2012

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution setting a Public Hearing for the Consideration of the adoption of New Building, Mechanical, Plumbing, Fuel and Gas, Fire and Electric Codes. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 1925-12

**A RESOLUTION OF THE FAIRHOPE CITY COUNCIL
TO SET A PUBLIC HEARING FOR THE CONSIDERATION
OF THE ADOPTION OF NEW BUILDING, MECHANICAL,
PLUMBING, FUEL AND GAS, FIRE AND ELECTRIC CODES**

WHEREAS, the City of Fairhope, Alabama (the “City”) is considering the adoption of new technical codes relating to building, mechanical, plumbing, fuel and gas, fire and electrical matters;

WHEREAS, the specific codes that the City is considering for adoption are as follows (the “Proposed Codes”):

- (1) 2012 International Code Council Residential Building Code (IRC)
- (2) 2012 International Code Council Building Code (IBC) together with Appendix D thereto for the Fire District
- (3) 2012 International Code Council Mechanical Code (IMC)
- (4) 2012 International Code Council Plumbing Code (IPC)
- (5) 2012 International Code Council Fuel and Gas Code (IFGC)
- (6) 2012 International Code Council Fire Code (IFC)
- (7) 2012 International Code Council Existing Building Code (IEBC)
- (8) 2012 International Code Council Energy Conservation Code (IECC)
- (9) 2011 National Fire Protection Association 70, National Electric Code (NEC)
- (10) National Fire Protection Association 501 A 2011 Manufactured Housing
- (11) National Fire Protection Association 1194 2011 Recreational Vehicle Parks
- (12) City of Fairhope General Code Information Supplement
- (13) City of Fairhope Electrical Code Supplement

9 April 2012

- (14) City of Fairhope Gas Code Supplement (also known as “Recommended Practices For Two Pound Pressure Natural Gas Piping Systems For New Construction”)

WHEREAS, § 11-45-8(c) of the Alabama Code (1975) provides that the Proposed Codes may be adopted by reference and without setting them out at length; and

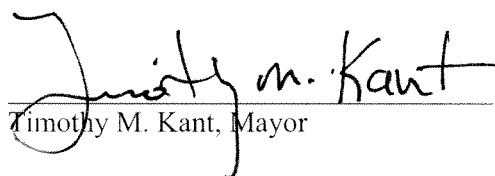
WHEREAS, § 11-45-8(c) of the Alabama Code (1975) requires that, in order to adopt the Proposed Codes by reference, the Fairhope City Council (the “City Council”) must hold a public hearing and file copies of the Proposed Codes with the Clerk of the City for review and inspection by the public.

NOW, THEREFORE, BE IT RESOLVED by the City Council that a public hearing to consider the adoption of the Proposed Codes be set and held during a regular meeting of the City Council on May 14, 2012, which meeting will begin at 6:00 p.m. and will take place in the City Council Chamber located at 161 North Section Street in the City.

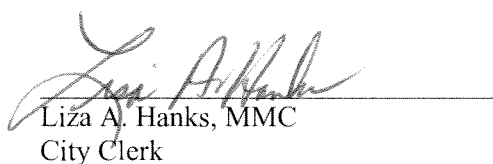
BE IT FURTHER RESOLVED that Barry Fulford, Building Official for the City, be instructed to place on file with the City Clerk’s office, on or before April 16, 2012, no less than three (3) copies of the Proposed Codes to permit use and examination of same by the public.

BE IT FURTHER RESOLVED that this resolution be published once a week for two (2) successive weeks, with the second of such publications occurring at least fifteen (15) days prior to the public hearing on May 14, 2012, in the Fairhope Courier.

ADOPTED this 9th day of April, 2012


 Timothy M. Kant, Mayor

ATTEST:


 Liiza A. Hanks, MMC
 City Clerk

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to sign the Municipal Water Pollution Prevention Program (MWPP) Report for 2011. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

9 April 2012

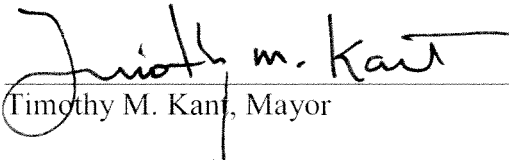
RESOLUTION NO. 1926-12

**MUNICIPAL WATER POLLUTION PREVENTION (MWPP) PROGRAM
ATTACHMENT 1**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to inform the Department of Environmental Management that the following actions were taken by the City Council of the City of Fairhope, Alabama.

1. Reviewed the MWPP Annual Report which is attached to the resolution.
2. Set forth the following actions and schedule necessary to maintain effluent requirement contained in the NPDES Permit, and to prevent the bypass and overflow of raw sewage within the collection system or at the treatment plant:
 - (a) Complete the current water and wastewater system assessment and develop an implementation plan for completing needed improvements necessary for regulatory compliance and to accommodate future growth.
 - (b) Continue to perform O & M requirements to the treatment and collection system and complete repairs when discovered.
 - (c) Continue to provide training opportunities for the operations staff to assist them with maintaining certification and knowledge of current methods and technologies.

Adopted this 9th day of April, 2012



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

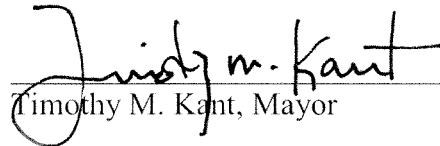
9 April 2012

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to negotiate a fee schedule and to execute a Contract for Consulting Services with Hatch Mott MacDonald to Review Storm Water Management Plan and Storm Water Map, and Inventory for the City of Fairhope (RFQ PS010-12). Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 1927-12

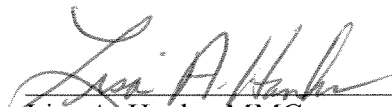
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to negotiate a fee schedule and to execute a Contract for Consulting Services with Hatch Mott MacDonald to Review Storm Water Management Plan and Storm Water Map, and Inventory for the City of Fairhope (RFQ PS010-12).

DULY ADOPTED THIS 9TH DAY OF APRIL, 2012



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

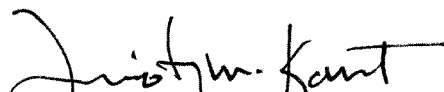
Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to negotiate a fee schedule and to execute a Contract for Professional Services for the City of Fairhope Website Design with Vision Internet Providers, Inc. (RFQ PS012-12). Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

9 April 2012

RESOLUTION NO. 1928-12

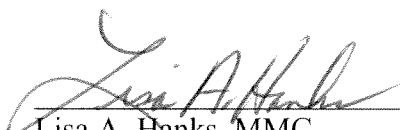
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to negotiate a fee schedule and execute a Contract for Professional Services with Vision Internet Providers, Inc. for the City of Fairhope Website Design (RFQ PS012-12).

DULY ADOPTED THIS 9TH DAY OF APRIL, 2012



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, MMC
City Clerk

Councilmember Quinn 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 and the State of Alabama, acting by and through the Alabama Department of Transportation, for the traffic signal coordination between and including Gayfer Avenue and Twin Beech Road along U. S. Highway 98 in Fairhope, Alabama. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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9 April 2012

RESOLUTION NO. 1929-12

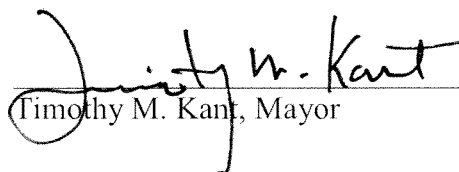
WHEREAS, The City of Fairhope shall enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for the traffic signal coordination between and including Gayfer Avenue and Twin Beech Road along U. S. Highway 98 in Fairhope, Alabama;

WHEREAS, This Agreement requires participation by the City of Fairhope and the State of Alabama for the traffic signal coordination at the above mentioned intersections which would allow for a smoother flow of traffic throughout the downtown area; and


WHEREAS, The State will pay for the signal coordination plan which will cost approximately \$25,000 if the City agrees to pay for the signal upgrades which include a new master controller and radios so the signals can “talk” to each other. The cost of the upgrades including installation will be approximately \$35,000.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant 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 traffic signal coordination between and including Gayfer Avenue and Twin Beech Road along U. S. Highway 98 in Fairhope, Alabama.

Adopted and Approved this 9th day of April, 2012


 Timothy M. Kant, Mayor

Attest:

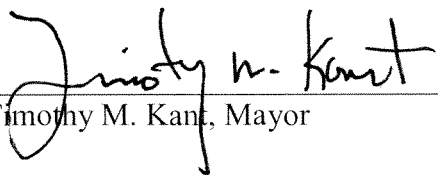

 Lisa A. Hanks, MMC
 City Clerk

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a Memorandum of Agreement with the Coast Guard Aviation Training Center Mobile, Alabama. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

9 April 2012

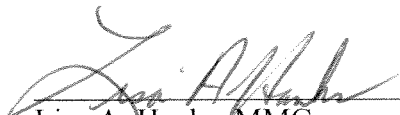
RESOLUTION NO. 1930-12

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby approves and authorizes Mayor Timothy M. Kant to execute a Memorandum of Agreement between the Coast Guard, Aviation Training Center Mobile, Alabama and the City of Fairhope regarding the USCG Aviation Training Center Mobile to place and maintain a storage container on City marina property.

Adopted on this 9th day of April, 2012

Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Quinn introduced in writing Ordinance No. 1468, an Ordinance to Amend Ordinance No. 1312, known as the Towing and Recovery Rotation Ordinance, Section 16, Maximum Allowable Towing/Storage Fees. In order to take immediate action, Councilmember Quinn moved for immediate consideration. Seconded by Councilmember Kingrea, motion for immediate consideration passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None. Councilmember Stankoski then moved for final adoption of Ordinance No. 1468. Seconded by Councilmember Kingrea, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

Councilmember Quinn moved to grant the request of Alix Brandow, Publix Super Market, requesting permission to hold a charity softball game on the City Softball fields on April 14, 2012 beginning at 9:00 a.m.; and approve not adding the City as secondary insured and only allowing hold harmless clause. The motion was seconded by Councilmember Stankoski.

9 April 2012

Councilmember Ford questioned the waiver of the City being named as secondary insured. City Attorney Wynne stated that this is not a good idea to approve “not adding the City as secondary insured.”

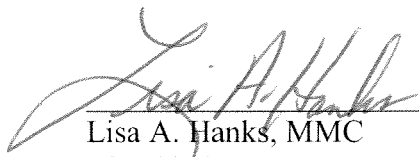
Councilmember Ford moved to amend the request of Alix Brandow, Publix Super Market, by adding the City must be added as secondary insured. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

After further discussion, the request of Alix Brandow, Publix Super Market, requesting permission to hold a charity softball game on the City Softball fields on April 14, 2012 beginning at 9:00 a.m.; with the amendment of “the City must be added as secondary insured”, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:30 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, MMC
City Clerk