

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

MONDAY, 23 JANUARY 2012 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve Minutes of 9 January 2012 Regular City Council Meeting and minutes of the 9 January 2012 Work Session/Public Participation.

ADD ON Dennis Sherrin, managing partner of Hartmann, Blackmon and Kilgore, presented the Audit for fiscal year ending Sept. 30, 2011.

2. Report of the Mayor

3. Council Comments

4. City Administrator

5. Public Participation

ADD ON Resolution – Authorizing Mayor Timothy M. Kant to execute an Amendment to Contract PS002-11, Phase One of the Water and Sewer Study, with CH2MHILL, for Evaluation and Optimization of Well 5 Treatment Strategy.

ADD ON Motion to approve the request for an RFQ for Solid Waste Equipment to Qualify for ADEM Grant for Recycling.

ADD ON Motion to approve the Traffic Recommendations for Striping as presented by City Staff.

6. Resolution – Moratorium on Annexation effective May 1, 2012 – January 1, 2013 due to Municipal Elections.

7. Resolution – Authorizing Mayor Timothy M. Kant and City Clerk Lisa A. Hanks to execute and deliver an Agreement between the Fairhope Volunteer Fire Department, Inc. and the City of Fairhope.

8. Resolution – Authorizing Mayor Timothy M. Kant to execute a contract between the City of Fairhope and the Baldwin Pops for use of City facilities and resources.

9. Resolution – Authorizing Mayor Timothy M. Kant to execute a contract extension for Sludge Removal for the Water Treatment Plant.

10. Resolution – Authorizing Mayor Timothy M. Kant to execute a contract for Cleaning after Mardi Gras Events for the Civic Center.

11. Resolution – Authorizing Mayor Timothy M. Kant to execute a contract for Advertising for the Quail Creek Golf Course.

12. Resolution – Purchase a Service Truck Body for the Water Department.

13. Resolution – Purchase a Service Truck Chassis for the Water Department.

14. Approval to fill vacancy for Police Officer, Approval to promote Corrections Officer to fill our current vacant position of Full-time Police Officer, Approval to fill vacancy for part-time Corrections Officer, and Approval to promote Police Officer to Police Sergeant and Police Officer to Investigator.
15. Ordinance – An Ordinance Amending Ordinance No. 1008 to Amend and Add to Chapter 11, Article II, Open Burning.
16. Adjourn

Next Regular Meeting Monday, February 13, 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, 23 January 2012.

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

There being a quorum present, Council President Mixon called the meeting to order. The invocation was given by David Stookey, Pastor of Fairhope Community Church, and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 9 January 2012, regular meeting. Council President Mixon stated the minutes needed to be amended by adding the City Administrator spoke to various items on the agenda. Councilmember Stankoski moved to amend the minutes. Seconded by Councilmember Quinn, motion passed unanimously by voice vote. He then stated if there are no other corrections, the minutes stand approved as amended.

Council President Mixon asked if there were any corrections to the minutes from the 9 January 2012, public participation/work session meeting. He then stated if there are no corrections, the minutes stand approved as written.

Councilmember Quinn moved to address the following items **not** on the printed agenda: Presentation of the Audit for fiscal year ending September 30, 2011 by Hartmann, Blackmon & Kilgore; Resolution authorizing Mayor Kant to execute an Amendment to Contract PS002-11 for Evaluation and Optimization of Well 5 Treatment Strategy; Approve the request for an RFQ for Solid Waste Equipment; and Approve the Traffic Recommendations for Striping. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Dennis Sherrin, Managing Shareholder of Hartmann, Blackmon & briefly went over Comprehensive Annual Financial Report "CAFR" for the year ending September 30, 2011. Mr. Sherrin thanked Rose Fogarty, Nancy Wilson, Jill Cabaniss, Lisa Hanks, and Nancy Bell for all of their help throughout the engagement by gathering information and answering our requests. He mentioned that the City of Fairhope will receive an unqualified opinion which is the best opinion his firm can provide. After further discussion, Councilmember Ford moved to accept the Comprehensive Annual Financial Report. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

23 January 2012

Council President Mixon addressed the City Council as the Chairman of the Finance Committee and read the following statement:

**Report by Lonnie L. Mixon, chairman of the City Council Finance Committee dated 1/23/2012
RE: Annual Audit Report**

As chairman of the City Council Finance Committee, I sincerely thank the volunteers of the Financial Advisory Committee and the Budget Committee for their time and sage advice given to the Council.

I commend the Council for making difficult, conservative fiscal decisions which, at times, were unpopular. And, I commend the staff and department heads for working diligently to provide excellent services while staying within budget. This audit shows that over the past three years by working together we have accomplished our goal to achieve a high level of financial stability thus making Fairhope a fiscally strong city.

Three years ago when this Council was first seated, the auditors reported that City spending and income lines were crossing... In other words, we were spending more than we had, and our emergency reserves were depleted. And every year we had to secure a 2 million dollar line of credit just to pay our bills.

In contrast, today our situation is much, much better.

In the Electric Department:

- Three years ago we had 40 vehicles with the newest being 20 years old; today the fleet is modernized and even includes a state-of-the art hybrid-powered lift unit.
- Employees had inadequate protective gear, while today we meet or exceed industry standards, which is credited with probably saving the life of a City employee who was recently electrocuted on the job.
- Transformers, switching gear, transmission poles, fuses and other necessary components of the electrical system were out of date in poor repair, with almost no spares on hand. Now our system is up-to-date, with lots of redundancy to minimize outages, and in an excellent condition.

A similar transformation has also occurred over the past three years in both the Gas Department and Water & Sewer Department. For example, we are making excellent progress on replacing cast iron pipe; and we have upgraded the fleet to include a new low-impact boring machine used by all three utility departments.

And in the government unit, our General Fund is also on a firm footing compared to three years ago. Reserves for emergencies are approaching appropriate levels, infrastructure improvements such as streets and sidewalks are now being funded and completed, and we have acquired land for continuing improvements to our outdoor recreation programs for youth sports.

23 January 2012

Looking forward to next year and beyond, we still have financial challenges to meet. We know, for example that:

- more infrastructure improvements need to be accomplished such as additional street work, new sidewalks, recreation facilities, sewer plant upgrades, and improvements to the north section of our water system;
- we have to recognize and plan for monies needed for unfunded liabilities in our retiree health care program; and
- we have to make sure adequate funds are available to pay off long term debt.

But we also know from experience that these challenges can be met if we continue to control spending, protect revenue sources, devote careful thought and attention to the annual budget process, and plan for the future with improved strategic planning.

Chief Bill Press addressed the City Council and introduced two new City of Fairhope Police officers: Damian Rehorn and Phelon Durggins. Chief Press stated “here are the best of the best.”

Councilmember Quinn addressed the City Council regarding the CH2MHILL fecal study status. She mentioned the draft report has been presented to Dan McCrory. Councilmember Quinn recognized two Boy Scouts who were attending the meeting to earn merit badges for advancement to an Eagle Scout.

23 January 2012

Councilmember Stankoski addressed the City Council regarding the following items:

A proposal was made to the city council to create an Education Advisory Committee (EAC). This was discussed by the city council and mayor at council meetings and work session. The council and mayor unanimously agreed to create an EAC. RICK KINGREA and I were designated as council liaisons to review applications and make recommendations to council. Potential members were to use existing committee applicant procedures with a deadline of 1/19/2012.

There have been no discussions by the council regarding funding of EAC.

KINGREA and I have been in contact with the Baldwin County Board of Education (BCBE) regarding the committee make up and jointly developing a mission statement for EAC. The goal is to have the EAC work with BCBE to make Fairhope Schools and feeder pattern as good as we can possibly make them. This is not a competition and the EAC should act in concert and cooperation with Dr. LEE or representative and the BCBE. The EAC is not being formed as a subterfuge for a movement to establish a Fairhope City School System.

The application deadline was 1/19/12. Twelve applications were filed. KINGREA and I will review them and make reconditions to the council for approval.

Councilmember Stankoski mentioned the City Sketches and the Library Section; and read the upcoming events for the Library. He said the City should be proud to hold the Senior Bowl practice at the Fairhope Stadium; and agreed with the comments made by Council President Mixon. He stated hard decisions had to be made with hard work from a lot of people.

23 January 2012

City Administrator Gregg Mims addressed the City Council regarding the following items:

- 1) Mayor Kant requested that Mr. Mims address the City Council regarding the Dyas lawsuit. Statements from Caine O'Rear, attorney with Hand Arendall, from the January 24, 2011 City Council meeting were read. The only remaining issue from the Fly Creek PUD has to do with the traffic signal at Veterans Drive and Highway 98.
- 2) The City of Fairhope received the Bronze Award from the Municipal Worker's Compensation Fund in 2010 Risk Management. The claims from 2007 through 2011 were reviewed and in 2011 the City had the lowest number claims from its employees. Further improvement for these claims will be to set up an internal safety review committee.
- 3) The Gov Deals Program which was approved one year ago has netted in a short time \$54,000 plus.
- 4) The Greeno Road Sidewalk Project began today.
- 5) The Volanta Street Sidewalk Project is almost ninety percent complete.

City Administrator Mims addressed the City Council and briefly explained Agenda Items Number 6 through Number 13 and Number 15 prior to the City Council voting on same.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an Amendment to Contract PS002-11, Phase One of the Water and Sewer Study, with CH2MHILL, for Evaluation and Optimization of Well 5 Treatment Strategy. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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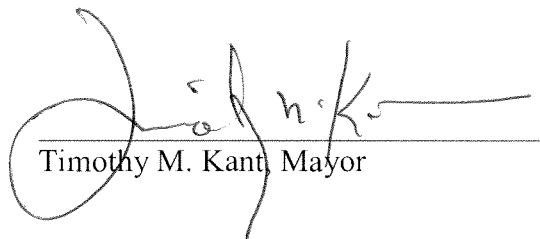
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23 January 2012

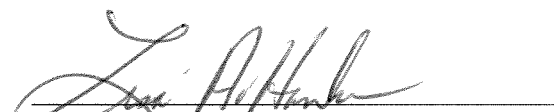
RESOLUTION NO. 1896-12

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute an Amendment to Contract PS002-11, Phase One of the Water and Sewer Study, with CH2MHILL, Amendment One for Evaluation and Optimization of Well 5 Treatment Strategy not to exceed \$9,750.00.

DULY ADOPTED THIS 23RD DAY OF JANUARY, 2012

Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Stankoski moved to approve the request for an RFQ for Solid Waste Equipment to Qualify for ADEM Grant for Recycling. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Quinn moved to approve the Traffic Recommendations for Striping as presented by City Staff. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution placing a Moratorium on Annexations effective May 1, 2012 – January 1, 2013 due to Municipal Elections. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

23 January 2012

RESOLUTION NO. 1897-12

MORATORIUM ON ANNEXATIONS

WHEREAS, The City of Fairhope currently conducts annexations on a quarterly basis: The Second City Council meeting of January, April, July and October; and,

WHEREAS, It is required by law to have a clearance letter from the U. S. Department of Justice, Civil Rights Division, Voting Section, Washington, DC on all annexations; and,

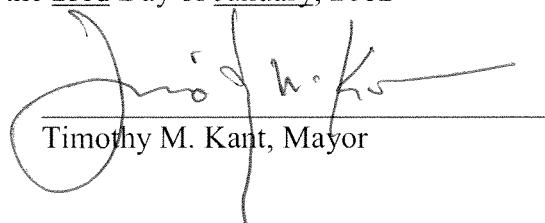
WHEREAS, A Municipal Election is scheduled for August 28, 2012, and a Run-off Election is scheduled for October 9, 2012, and the City's regular scheduled annexation is July 23, 2012. There is not ample time to receive the required clearance letter from the U.S. Department of Justice; and,

THEREFORE, The City Clerk is requesting that the Governing Body of the City of Fairhope, Alabama, place a moratorium on annexations effective May 1, 2012 - January 1, 2013. The City will conduct regular annexations on January 28, 2013.

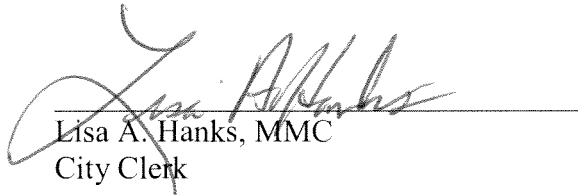
BE IT FURTHER RESOLVED, That the City of Fairhope shall resume annexations at the regular quarterly scheduled January 28, 2013.

This duly adopted Resolution shall be published once in the local Gulf Coast Newspaper.

Adopted and Approved this the 23rd Day of January, 2012


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant and City Clerk Lisa A. Hanks to execute and deliver an Agreement between the Fairhope Volunteer Fire Department, Inc. and the City of Fairhope. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

23 January 2012

RESOLUTION NO. 1898-12

**RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND
CITY CLERK TO EXECUTE AND DELIVER AN AGREEMENT
BETWEEN THE FAIRHOPE VOLUNTEER FIRE DEPARTMENT, INC.
AND THE CITY OF FAIRHOPE**

WHEREAS, the Fairhope Volunteer Fire Department, Inc. ("Department") will furnish fire protection to all property within the City of Fairhope ("City"); and

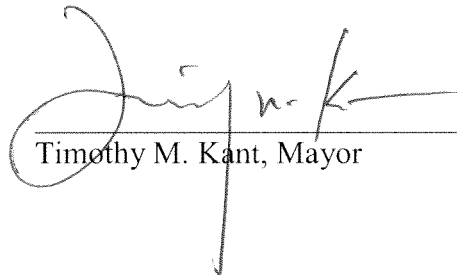
WHEREAS, the City desires that the Department provide such services to the City and the fire jurisdiction; and

WHEREAS, the City Attorney has prepared an Agreement with respect to the matters set forth above, and

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


1. The Agreement between the City and Fire Department attached hereto is hereby approved (An executed copy is on file in the City Clerk's office).
2. The Mayor is authorized and directed to execute and deliver such Agreement on behalf of the City of Fairhope.

DULY ADOPTED THIS 23RD DAY OF JANUARY, 2012



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

23 January 2012

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a contract between the City of Fairhope and the Baldwin Pops for use of City facilities and resources. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

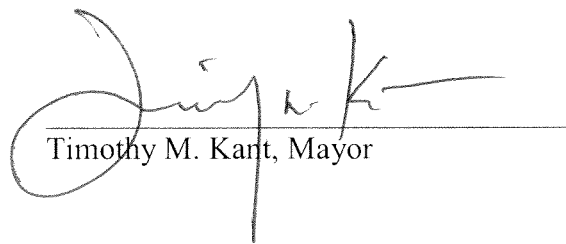
RESOLUTION NO. 1899-12

WHEREAS, the Baldwin Pops serves a public purpose and the publicity that the Baldwin Pops gives the City of Fairhope is a public service; and,

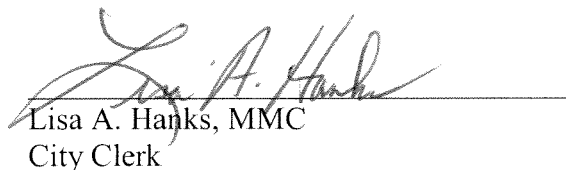
WHEREAS, We, the Baldwin Pops, agree to work with the Mayor, and /or his agent(s), to advertise and promote the City of Fairhope; and to provide free concerts yearly for the residents of Fairhope, also performs at the City's July 4th celebration and the Founder's Day Concert and when available participates in the Veteran Day parade; and

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute contract between the City of Fairhope and the Baldwin Pops for use of the City facilities depending on availability and permission from the Rental Facilities Manager (allow them to meet twice each month at the Civic Center and store items if necessary); and resources including personnel, but not security after normal business hours.

ADOPTED this 23rd day of January, 2012


 Timothy M. Kant, Mayor

ATTEST:


 Lisa A. Hanks, MMC
 City Clerk

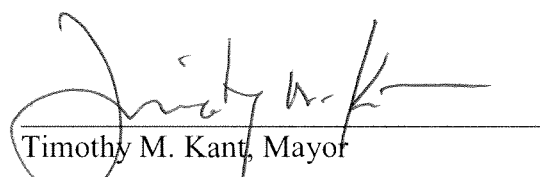
23 January 2012

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a contract extension for Sludge Removal for the Water Treatment Plant. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1900-12

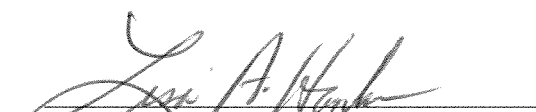
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Kant is hereby authorized to execute an extension of the Contract with Southern Environmental for Sludge Removal Services for the Water Treatment Plant for an additional one year as per the terms and conditions of the original contract. The cost of the sludge removal will be \$90.00 per cubic yard.

Adopted on this 23rd day of January, 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 contract for Cleaning after Mardi Gras Events for the Civic Center. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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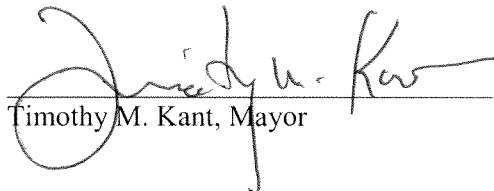
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23 January 2012


RESOLUTION NO. 1901-12

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Kant is hereby authorized to execute a contract for Cleaning after Mardi Gras Event for the Civic Center. The cost of the cleaning will be \$5,100.00 and the total expense will be charged to Mardi Gras Associations to cover City's cost.

Adopted on this 23rd day of January, 2012


 Timothy M. Kant, Mayor

Attest:

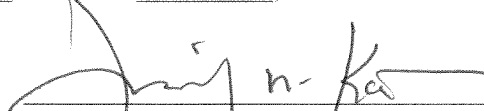

 Lisa A. Hanks, MMC
 City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a contract for Advertising for the Quail Creek Golf Course. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

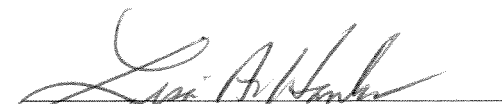
RESOLUTION NO. 1902-12

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 Advertising with AT&T Real Yellow Pages for the Quail Creek Golf Course with a cost not to exceed \$516 per year.

DULY ADOPTED THIS 23rd DAY OF JANUARY, 2012


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

23 January 2012

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase a Service Truck Body for the Water Department. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

RESOLUTION NO. 1903-12

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 Service Truck Body for the Water 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:

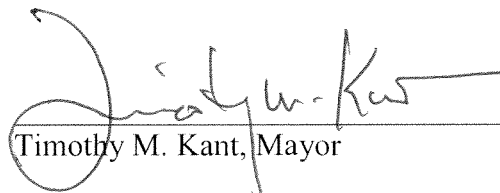
Bid Number: T195-A

Contract Number: 4010383

Service Truck Body


Cost is \$18,397.00

Adopted on this 23rd day of January, 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 to purchase a Service Truck Chassis for the Water Department. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

23 January 2012

RESOLUTION NO. 1904-12

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 Service Truck Chassis for the Water Department and the type of chassis 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:

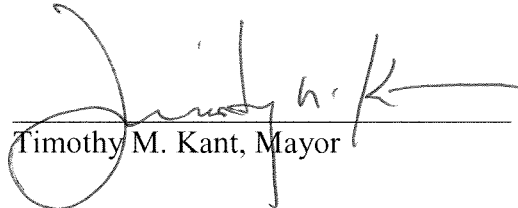
Bid Number: T193-A

Contract Number: 4011380

Service Truck Chassis

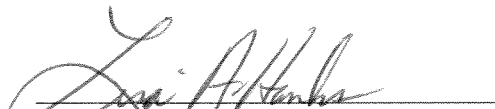
Cost is \$66,509.43

Adopted on this 23rd day of January, 2012



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Quinn moved to grant the following requests for the Fairhope Police Department: approval to fill vacancy for Police Officer; approval to promote Corrections Officer to fill our current vacant position of Full-time Police Officer; approval to fill vacancy for part-time Corrections Officer; approval to promote Police Officer to Police Sergeant; and approval to promote Police Officer to Investigator. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

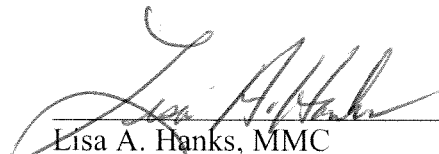
23 January 2012

Councilmember Quinn introduced in writing Ordinance No. 1467, an Ordinance amending Ordinance No. 1008 to Amend and Add to Chapter 11, Article 11, Open Burning. In order to take immediate action, Councilmember Quinn moved for immediate consideration. Seconded by Councilmember Stankoski, motion for immediate consideration passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, and Ford. NAY – None. Councilmember Stankoski then moved for final adoption of Ordinance No. 1467. Seconded by Councilmember Quinn, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, and Ford. NAY – None.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:50 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, MMC
City Clerk