

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

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

Invocation and Pledge of Allegiance

1. Approve Minutes of 9 July 2012 Regular City Council Meeting and minutes of the 9 July 2012 Work Session.
2. Report of the Mayor
3. Council Comments
4. City Administrator

ADD ON Resolution – Appoint Election Officials as amended for Election Day 28 August 2012, and Run-off Election Day 9 October 2012, if necessary.

ADD ON Request – Request from the Recreation Department for an additional \$20,000 for the Barnwell Park Project to make the previously approved bleachers handicap accessible; and shall be paid from the Impact Fees Account.

5. Public Participation
6. Public Hearing – Petition for Vacation by Stevan & Cynthia Crim, Andrew & Melanie Malone and Lenita Shanks for a portion of Oakwood Avenue located south of River Oaks Drive in Fairhope, Alabama.
7. Resolution - Award bid for Well #5 Cleaning and Redevelopment for the Water Department (Bid No. 026-12).
8. Final Adoption – An Ordinance to Protect the Health, Safety and General Welfare of the People by declaring a Moratorium on the Issuance of Business Licenses for Body Art/Tattoo Studios, Permanent Make-Up Establishments, Body Piercing Facilities, and Adult Entertainment Businesses within the Corporate Limits of the City of Fairhope, Alabama (Introduced at the July 9, 2012 City Council Meeting)
9. Request – Baldwin County Commission request the City of Fairhope waive all permit fees on the construction of the new Baldwin Rural Area Transportation System HUB and allow Baldwin County Building Department to perform inspections.
10. Adjourn

Next Regular Meeting Monday, August 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 July 2012.

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

There being a quorum present, Council President Mixon called the meeting to order. The invocation was given by City Attorney Marion E. Wynne and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 13 July 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 13 July 2012, work session meeting. He then stated if there are no corrections, the minutes stand approved as written.

Councilmember Quinn addressed the City Council commenting the Ozone Tournament went very well and thanked everyone who was involved.

Councilmember Stankoski addressed the City Council and thanked the staff, families, and volunteers for making the Ozone Tournament a great success.

Councilmember Ford addressed the City Council and mentioned the Mayor Kant was not in attendance due to his 35th Wedding Anniversary. He also commented that the Ozone Tournament went well and thanked Sherry Sullivan, Erik Cortinas, and Tom Kuhl.

Council President Mixon addressed the City Council and thanked Dr. Thomas and Mr. Howard for all of their hard work on the Compensation and Job Classification Study that was presented at the Work Session.

City Administrator Gregg Mims addressed the City Council regarding the two items that needed to be added to the agenda: (1) a resolution to appoint Election Officials as amended for Election Day 28 August 2012, and Run-off Election Day 9 October 2012, if necessary; and (2) a request from the Recreation Department for an additional \$20,000 for the Barnwell Park Project to make the previously approved bleachers handicap accessible; and shall be paid from the Impact Fees Account.

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Councilmember Ford moved to address the above mentioned items **not** on the printed agenda. 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 a resolution to appoint Election Officials as amended for Election Day 28 August 2012, and Run-off Election Day 9 October 2012, if necessary. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1960-12

WHEREAS, a Regular Municipal Election has been called to be held on 28 August 2012, and a Run-off Election, to be held if necessary, on 9 October 2012; and,

WHEREAS, Section 11-46-27 of the Alabama Code of 1975, as amended, provides, in part, that the Municipal Governing Body, not less than 15 days before the holding of any Municipal Election, appoint from the qualified electors of the municipality, Officers to hold the election as follows; where electronic ballot counters are used, at least one inspector and three clerks,; and

WHEREAS, on June 25, 2012 the City Council adopted Resolution No. 1948-12 which appointed election Officers for said election; and

WHEREAS, one of the Officers was found to be employed by the City of Fairhope and therefore is not eligible to serve as an election Officer; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairhope, Alabama that the election Officers for said elections is amended and shall be as follow:

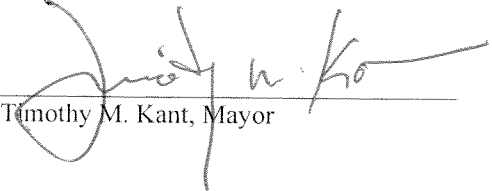
Chief Inspector:	(1)	Vera Culver, 567 Jan Drive
Chief Clerk:	(1)	Diane Blaschak, 405 Jasmine Avenue
Provisional Ballot Officer:	(1)	Kermit Mangus, 400 Jasmine Avenue
Administrative Clerks and Relief Clerks:	(1)	Stephenie Gasbarro, 322 Clubhouse Drive
	(2)	Amalia Rodriquez, 24 Echo Lane
Registration & Voters List Clerks:	(1)	Grace Nelson, 8 Sumac Circle
	(2)	Mildred Rogers, 111 Pinetop Circle
	(3)	Beverly Stapleton, 9814 St. Hwy 104
	(4)	Carol Long, 483 Dogwood Avenue
	(5)	Susan McKee, 211 Park Drive
	(6)	Margie Robinson, 100 Berglin Street
	(7)	Valarie Chaney, 598 Middle Street
	(8)	Helen Allison, 21950 Country Woods
	(9)	Betty L. (Ann) Garner, 652 Bon Secour Street
	(10)	Kay Garnham, 147 Club Drive
	(11)	Barbara Sanders, 207 Park Drive
	(12)	Pat Cunningham, 13 Winterhaven Court

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Ballot Issue Clerks:	(1)	Nancy Anderson, 617 Morphy Avenue
	(2)	Kathy Laubenthal, 104 Ronforth Street
	(3)	Marlene Robinson, 455 Ivy Circle
	(4)	Charles Robinson, 455 Ivy Circle
	(5)	Diane Hartley, 454 Ivy Circle
	(6)	Perry Hartley, 454 Ivy Circle
	(7)	Mary Parson, 212 Orange Street
	(8)	Harold Parson, 212 Orange Street
Telephone Operator	(1)	Debbie Mansmann, 207 Lee Street
Qualified Inactive List	(1)	Joanne Brown, 64 S. Ingleside Street
AutoMARK Attendant: (For Handicap)	(1)	Dick Pierce, 147 Club Drive
Machine Attendants:	(1)	Andrew J. Blaschak, 405 Jasmine Avenue
	(2)	Terrill G. Hicks, 104 Clubhouse Drive
	(3)	Steve Mills, 171 Hawthorne Circle
Ballot Issue and Registration Relief Clerks:	(1)	*Johnny Chaney, 598 Middle Street
	(2)	*Wesley Stapleton, 9814 State Highway 104
	(3)	Alison Calloway, 752 Coleman Avenue
	(4)	Margie Harner, 167 Club Drive
Absentee Machine Clerks:	(1)	*Johnny Chaney, 598 Middle Street
	(2)	*Wesley Stapleton, 9814 State Highway 104
Aternates:	(1)	Janet Taverna, 129 Chestnut Ridge
	(2)	Paulette Ondilla-Fedor, 104 Cliff Drive

BE IT FURTHER RESOLVED, that the Chief Inspector shall be compensated \$250.00 for each Election and for each Run-off Election, if necessary, and other Election Officers shall be compensated \$125.00 for each Election, and for each Run-off Election, if necessary.

ADOPTED THIS 23RD DAY OF JULY, 2012


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

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Councilmember Ford moved to grant the request from the Recreation Department for an additional \$20,000 for the Barnwell Park Project to make the previously approved bleachers handicap accessible; and shall be paid from the Impact Fees Account. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

The following individuals spoke during Public Participation:

1. Kevin Black, 12625 Boone Lane, addressed the City Council regarding Agenda Item Number 8, an ordinance to protect the health, safety, and general welfare of the people by declaring a moratorium on the issuance of business licenses for body art/tattoo studios, permanent make-up establishments, body piercing facilities, and adult entertainment businesses within the corporate limits of the City of Fairhope. He stated the ordinance is not clear and asked that when this issue is looked at in the future to include business owners and citizens.
2. Billy Michalopoulos, Belize River Street, addressed the City Council also regarding Agenda Item Number 8. He voiced his concern about Mr. Black's business being grand-fathered in; and if Mr. Black had to move, could he move to another B-2 area.
3. Calvin Hunt, 7695 Lloyd Lane, addressed the City Council also regarding Agenda Item Number 8. He said it was ridiculous to put Kevin Black through this torment. The only other comments were related to the black community in the Young Street area.
4. Paul Ripp, 22985 Highridge Road, addressed the City Council also regarding Agenda Item Number 8. Mr. Ripp stated the City Council is regulating art. The ordinance has all of these businesses lumped together. These businesses should be separated for each category. He said they should let the new Council handle this issue.

Councilmember Ford addressed the City Council and requested the following comment to be part of the minutes: In order for the City Council to discuss the ordinance at the last City Council meeting, it first had to be introduced.

City Administrator Mims addressed the City Council and briefly explained Agenda Items Number 6 through Number 9 prior to the City Council voting on same.

A Public Hearing was held as advertised on a proposed vacation of a 60 foot wide right-of-way known as Oakwood Avenue located south of River Oaks Drive situated in Fairhope, Alabama, by Stevan T. Crim and Cynthia A. Crim, Andrew Malone and Melanie G. Malone, and Lenita Shanks are the owners and holders of interest of the lands abutting the 60 foot wide right-of-way known as Oakwood Avenue located south of River Oaks Drive situated in Fairhope described as follows, to-wit:

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BEGINNING A CAPPED REBAR AT THE SOUTHWEST CORNER OF LOT 21, RIVER OAKS SUBDIVISION, AS RECORDED ON SLIDE 1485-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, RUN THENCE SOUTH 89°53'45" WEST ALONG THE SOUTH BOUNDARY OF OAKWOOD AVENUE (60 FOOT RIGHT-OF-WAY) A DISTANCE OF 60.00 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00°00'40" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID OAKWOOD AVENUE AND THE EAST BOUNDARY LINE OF LOT 22 OF SAID RIVER OAKS SUBDIVISION A DISTANCE OF 79.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 80°43'19" EAST, 60.80 FEET TO A CAPPED REBAR ON THE EAST RIGHT-OF-WAY LINE OF SAID OAKWOOD AVENUE; THENCE RUN SOUTH 00°00'40" EAST ALONG SAID RIGHT-OF-WAY LINE 70.02 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 0.10 ACRES, MORE OR LESS.

Council President Mixon opened the Public Hearing at 6: 20 p.m.

City Administrator Mims explained that all departments had signed off on the vacation. Councilmember Quinn voiced her concern about giving up City property.

No one present opposed the proposed vacation, the Public Hearing closed at 6:20 p.m.

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the vacation of a 60 foot wide right-of-way known as Oakwood Avenue located south of River Oaks Drive in Fairhope, Alabama, desc ribed in this Resolution. Seconded by Councilmember Stankoski , motion passed by the following voice votes: AYE – Stankoski, Mixon, Ford. NAY – Quinn and Kingrea.

RESOLUTION NO. 1962-12

**RESOLUTION OF THE CITY OF FAIRHOPE OF BALDWIN COUNTY, ALABAMA
FOR THE VACATION OF PORTION OF STREET**

RECITALS:

I. Stevan T. Crim and Cynthia A. Crim, Andrew M. Malone and Melanie G. Malone, and Lenita Shanks (the "Petitioners") are the owners and holders of interest of the lands abutting that portion of Oakwood Avenue described as follows, to-wit:

The 60 foot wide right-of-way known as Oakwood Avenue located south of River Oaks Drive in Fairhope, Alabama.

More particularly described as follows:

BEGINNING A CAPPED REBAR AT THE SOUTHWEST CORNER OF LOT 21, RIVER OAKS SUBDIVISION, AS RECORDED ON SLIDE 1485-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, RUN THENCE SOUTH 89°53'45" WEST ALONG THE SOUTH BOUNDARY OF OAKWOOD AVENUE (60 FOOT RIGHT-OF-WAY) A DISTANCE OF 60.00

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FEET TO A CAPPED REBAR; THENCE RUN NORTH 00°00'40" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID OAKWOOD AVENUE AND THE EAST BOUNDARY LINE OF LOT 22 OF SAID RIVER OAKS SUBDIVISION A DISTANCE OF 79.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 80°43'19" EAST, 60.80 FEET TO A CAPPED REBAR ON THE EAST RIGHT-OF-WAY LINE OF SAID OAKWOOD AVENUE; THENCE RUN SOUTH 00°00'40" EAST ALONG SAID RIGHT-OF-WAY LINE 70.02 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 0.10 ACRES, MORE OR LESS.

2. The Petitioners have filed a Petition with the City of Fairhope of Baldwin County, Alabama (the "City") requesting that the City adopt a resolution to vacate that portion of Oakwood Avenue described in Paragraph 1. of this Resolution.

3. The Petitioners, pursuant to Ala. Code 1975, §23-4-20, desire to vacate that portion of Oakwood Avenue described in Paragraph 1. of this Resolution, and, pursuant to applicable law, destroy the force and effect of the dedication of that portion of Oakwood Avenue described in Paragraph 1. of this Resolution, and to divest all public rights, including any and all rights which may have been acquired by prescription in and to that portion of Oakwood Avenue described in Paragraph 1. of this Resolution.

4. The property described in Paragraph 1. of this Resolution is located within municipal limits of the City of Fairhope of Baldwin County, Alabama and is not located within or share jurisdictional boundaries with any other municipality or Baldwin County, Alabama.

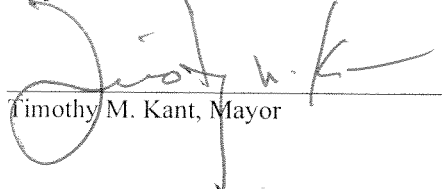
5. It is in the interest of the public that that portion of Oakwood Avenue described in Paragraph 1. of this Resolution be closed and vacated.

6. The vacation of that portion of Oakwood Avenue described in Paragraph 1. of this Resolution shall not deprive other property owners of such rights as they may have to convenient and reasonable means of ingress and egress to and from their property.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE OF BALDWIN COUNTY, ALABAMA, that the City does assent to the vacation of that portion of Oakwood Avenue described in Paragraph 1. of this Resolution and that portion of Oakwood Avenue described in Paragraph 1. of this Resolution is vacated and annulled and all public rights and easements therein divested of the lands described as that portion of Oakwood Avenue described in Paragraph 1. of this Resolution.

The foregoing resolution was adopted and approved on the 23rd day of July 2012, by the City of Fairhope.

Approved:


Timothy M. Kant, Mayor

Attest:


Lisa A. Hanks, MMC
City Clerk

23 July 2012

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution to Award bid for Well #5 Cleaning and Redevelopment for the Water Department (Bid No. 026-12). Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

RESOLUTION NO. 1961-12

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

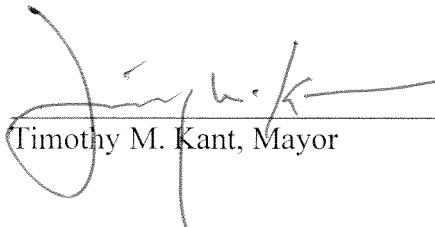
[1] That the City of Fairhope did request, receive, and open bids for Well #5 Cleaning and Redevelopment for the Water Department (Bid Number 026-12) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for
Well #5 Cleaning and Redevelopment for the Water Department

[3] After evaluating the bid proposals with the required bid specifications, Griner Drilling Services, Inc., with the total bid proposal of approximately \$19,400, is now awarded the bid for the Well #5 Cleaning and Redevelopment for the Water Department.

Adopted on this 23rd day of July, 2012



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

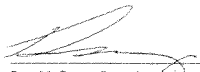
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CITY OF FAIRHOPE
 BID TABULATION and Recommendation
 BID NO: 026-12
 BID NAME: Well # 5 Cleaning and
 Redevelopment
 Date Opened: July 9, 2012 10:00 p.m.
 Note: Bid Bond 5% and no more than \$10,000.

VENDOR	Non-Collusion Statement & Bid Proposal Executed / Signed / Notarized	Instructions /Specification Compliance	Addenda Signed 1 & 2	Unit	Unit Cost	Extended cost
Griner Drilling Service, Inc	yes	yes	yes			
Mobilization including Step 1 – 5						
Brush casing and screen (Step 6)				lump Sum	\$2,500	\$2,500.00
Brush casing, screen and airlift cleaning (Step 7 – 11) Brush casing and screen (Step 6)				lump Sum	\$2,000	\$2,000
Inject chlorine solution and agitation (Step 12)				each	\$3,500	\$10,500
Bacteriological Testing (Step 13)				hour	\$250	\$2,000
Run TV survey of cleaned well (Step 15)				lump Sum	\$500	\$500
Total Materials and Labor:				lump Sum	\$1,900	\$1,900.00
Provide equipment and crew to perform extra work if requested by the Owner						\$19,400
				per hour	\$250	
LAYNE CHRISTENSEN	no response					
Mobilization including Step 1 – 5						
Brush casing and screen (Step 6)						
Brush casing, screen and airlift cleaning (Step 7 – 11) Brush casing and screen (Step 6)						
Inject chlorine solution and agitation (Step 12)						
Bacteriological Testing (Step 13)						
Run TV survey of cleaned well (Step 15)						
Total Materials and Labor:						
Provide equipment and crew to perform extra work if requested by the Owner						
				per hour		
HYPERION CONSTRUCTION, LLC	no response					
Mobilization including Step 1 – 5						
Brush casing and screen (Step 6)						
Brush casing, screen and airlift cleaning (Step 7 – 11) Brush casing and screen (Step 6)						
Inject chlorine solution and agitation (Step 12)						
Bacteriological Testing (Step 13)						
Run TV survey of cleaned well (Step 15)						
Total Materials and Labor:						
Provide equipment and crew to perform extra work if requested by the Owner						
				per hour		
DONALD SMITH COMPANY INC	no response					
Mobilization including Step 1 – 5						
Brush casing and screen (Step 6)						
Brush casing, screen and airlift cleaning (Step 7 – 11) Brush casing and screen (Step 6)						
Inject chlorine solution and agitation (Step 12)						
Bacteriological Testing (Step 13)						
Run TV survey of cleaned well (Step 15)						
Total Materials and Labor:						
Provide equipment and crew to perform extra work if requested by the Owner						
				per hour		

Recommendation: Award to Griner Drilling Service, Inc

To my Knowledge this is an accurate bid tabulation.


 Dan McCrory, Superintendent of Water and Sewer 7/11/12


 Daniel P. Ames, Purchasing Manager 7/11/12

23 July 2012

Councilmember Kingrea moved for final adoption of an Ordinance to Protect the Health, Safety and General Welfare of the People by Declaring a Moratorium on the Issuance of Business Licenses for Body Art/Tattoo Studios, Permanent Make-Up Establishments, Body Piercing Facilities, and Adult Entertainment Businesses within the Corporate Limits of the City of Fairhope, Alabama. The motion was seconded by Councilmember Quinn.

Councilmember Kingrea commented that we are not trying to regulate art, but to regulate certain types of activity in downtown. He said a bunch of businesses need to be looked at for the downtown and the Greeno Road areas. Councilmember Quinn suggested creating a committee from the Planning Commission, physicians, artists, and people on the other side; and said she was in favor of the six month moratorium. Councilmember Stankoski said we need to reassess and this was a wake-up call. He said we need to decide what we want our community to look like. Council President Mixon stated we need more specificity as to what we are talking about. City Administrator Mims stated these businesses should be separated and adult entertainment needs to be addressed sooner rather than later. There are ordinances that have withstood Appeals Court decisions. Councilmember Ford said this ordinance needs to be thrown away and work on the one that should be addressed first. After further discussion, motion for final adoption failed by the following votes: AYE – Quinn. ABSTAIN – Stankoski. NAY – Mixon, Ford, and Kingrea.

Councilmember Quinn moved to grant the request of the Baldwin County Commission requesting the City of Fairhope to waive all permit fees on the construction of the new Baldwin Rural Area Transportation System HUB and allow Baldwin County Building Department to perform inspections. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:31 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, MMC
City Clerk