

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

MONDAY, 27 FEBRUARY 2012 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve Minutes of 13 February 2012 Regular City Council Meeting and minutes of the 13 February 2012 Public Participation/Work Session.

ADD ON Executive Session – Discuss Pending Litigation

ADD ON Resolution – for Staff to issue a RFQ for professional services for Water and Sewer Plan as presented by CH2MHILL.

ADD ON Request – Will Carlton, Fairhope Rotary Club, approval of Rotary Steak Cookoff on May 11, 2012 for street closures and approval to allow alcohol on city streets.
2. Report of the Mayor
3. Council Comments
4. City Administrator
5. Public Participation
6. **Public Hearing**
Application for Lounge Liquor License by Patricia DeRouen, Vintage Wine and Liquor, L.L.C., dba Vintage Wine and Liquor, located at 903 Fairhope Avenue, 96 Plantation Point, Fairhope, Alabama.
7. Resolution – Authorizing Mayor Timothy M. Kant to dispose of personal property owned by the City of Fairhope (191 Old Christmas Ornaments) declaring it surplus and donating such property to the Friends of the Fairhope Museum.
8. Resolution – Authorizing Mayor Timothy M. Kant to execute a contract with G & K Industries, Inc. for rental services for the Water Department.
9. Resolution - Award bid for a Four Year Lease for Golf Carts for Quail Creek Golf Course (Bid No. 004-12) and authorize Mayor Timothy M. Kant to negotiate and execute a short term golf cart rental agreement.
10. Resolution – Approval of the Proposed Projects for the Volanta Watershed Gulley Project with construction projects not to exceed \$50,000.
11. Application for a Beer On/Off Premises and Wine On/Off Premises License by Thomas E. Cain, T. Cain Grocery, Inc. dba Cain’s Piggly Wiggly, located at 100 Plantation Point, Fairhope, Alabama.

12. Application for a Special Events Retail License by Ronan McSharry, Louelda, L.L.C., d/b/a McSharry's Irish Pub, located at 101 North Bancroft Street, Fairhope, Alabama.
13. Request –Pauline Martin, Thomas Hospital, requests use of Knoll Park and Cliff Drive Bay Front Bluff for Spring Fever Chase on March 17, 2012.
14. Adjourn

Next Regular Meeting Wednesday, March 14, 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, 27 February, 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 Assistant City Clerk Candace G. Antinarella. City Clerk, Lisa A. Hanks was absent.

There being a quorum present, Council President Mixon called the meeting to order. The invocation was given by Reverend William Parsons, Pastor of Redeemer Lutheran Church and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 13 February 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 February 2012, public participation/work session meeting. He then stated if there are no corrections, the minutes stand approved as written.

Councilmember Stankoski moved to add-on the following items **not** on the printed agenda. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

- Motion to add Executive Session to discuss pending litigation.
- Resolution – for Staff to issue a RFQ for professional services for Water and Sewer Plan as presented by CH2MHILL.
- Request – Will Carlton, Fairhope Rotary Club, approval of Rotary Steak Cook-off on May 11, 2012 for street closures and approval to allow alcohol on city streets.

Councilmember Kingrea moved to hold an Executive Session at the completion of the numbered agenda items. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

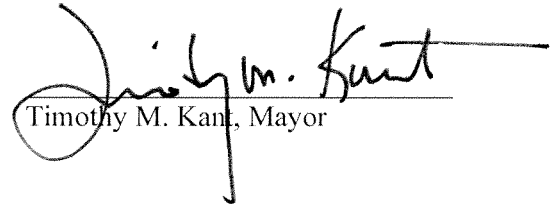
Councilmember Quinn introduced and moved for the adoption of the following resolution, as read by Assistant City Clerk, Candace G. Antinarella, a Resolution authorizing Staff to issue a RFQ for professional services for Water and Sewer Plan as presented by CH2MHILL. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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RESOLUTION NO. 1911-12

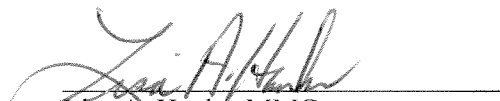
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council instruct City Staff to issue a Request for Qualifications (“RFQ”) for professional services for the Water and Sewer Plan as presented by CH2MHILL.

Adopted on this 27th day of February, 2012



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Stankoski moved to grant the request of Will Carlton, Fairhope Rotary Club, approval of Rotary Steak Cook-off on May 11, 2012 for street closures and approval to allow alcohol on city streets. Seconded by Councilmember Quinn, motion passed by the following voice vote: Aye: Quinn, Stankoski, Mixon and Kingrea. Abstain: Ford.

Mayor Kant addressed the City Council on the following items:

1) 2012 New Years Eve Celebration. The presentation was as follows:

Fairhope New Year's Eve Celebration

The celebration was budgeted at \$25,000 and came at budget.

The following is a list of the expenses:

DJ Services/Dr. Music	\$500.00
Tent, Heater and set-up services/Blue Rents	\$7,793.75
Face Painters	\$1,500.00
Crane for Ball Drop	\$1,400.00
Portable Toilets/1 for Band and Restroom Trailer	\$810.00
Re-lettering of Stage Banner/No Parking signs/Misc. Supplies	\$575.00
Band	\$2,000.00
Fireworks	\$3,500.00
De La Mare Stage/Band	\$255.00
Labor (Police, Public Works & others)	\$6,713.00
Total	\$25,046.75
Total Revenue from tent rentals	\$8,824.92
Net Costs to the city	\$16,221.83

This year we added a band for the teenagers on De La Mare Ave. Additional lighting in the community park for security and a crane to lower the ball. The merchants, restaurants and hotels had positive

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comments. The only complaint the city received prior to the celebration was to move the location of the fireworks display. We had an increase in the month of December for sales tax of \$31,697.32 (7.53%) and lodging tax \$4,136.85 (21.27%) over the prior year.

2) Accident Report Update on Electrical Employee who was injured created by Scott Sligh, Electric Superintendent. Millennium Risk Managers also did an independent study and both found this happened at no fault of the City. The report was as follows:

Review of December 15th Contact Case
City of Fairhope Electric Department

Scott H. Sligh
Electric Superintendent

Abstract:

On December 15th, 2011 at approximately 11:40 a.m., a City of Fairhope employee came in contact with a 12,470 volt power line and was hit with approximately 250 pounds of weight when the braces supporting a wooden cross arm broke, causing the arm to fall. The employee was airlifted to the USA Burn Center where he was treated for his injuries. After eleven days in the hospital, he was released and is currently undergoing physical therapy.

Background:

A system study, completed by Custom Engineering Solutions in 2011, recommended several capital improvement items to improve system performance. One such item was the re-conductoring of a three-phase line originating at Church Street Substation. The existing line is 4/0 copper and the recommendation was to increase the size of the wire to #397 ACSR (aluminum wire with a steel core). The recommendation was to change out approximately 1,000 feet of wire between Church Street Substation and Bancroft Avenue, running along Morphy Avenue. After consultation with the more senior linemen and the Assistant Superintendent, it was decided that the work would be done in-house with City employees.

In addition to the work to change out the copper wiring, other work identified as part of this process included changing the wooden transmission poles to weathered steel. At the time of the accident, the pole change-out work was complete and the 46,000-volt lines carried on these poles had been returned to their normal operating state.

Accident Particulars:

On the morning of the 15th, three employees went to the intersection of Morphy Avenue and Section Street to make preparations to install the new aluminum wiring. The composition of the crew on site was a senior lineman, a junior lineman and a groundman. The construction included two wooden cross arms and four corresponding cross arm braces, also made of wood. This type of configuration is in wide spread use across the US today and can be found in government standards for new construction. The

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existing wooden arms are of unknown make, model and vintage. Note: The most senior employee in the electric department has 30 years experience with the City and the wooden arms that failed have existed unchanged since he began his career.

Two fiberglass temporary arms were installed on the ends of two of the existing wooden cross arms to hold the existing wire out of the way while the work was going on. These fiberglass arms were installed opposite each other in a counterpoise arrangement. It was calculated that the weight of each copper conductor was approximately 135 lbs and that with two spots for wires, the fiberglass arms would support the weight of the wiring to be installed on them. One arm would be supporting one phase of the three phase line (approximate weight 135 pounds), while the other arm would be supporting the other two phases (i.e., approximately 270 pounds of wire). These fiberglass arms have a weight rating of 400 pounds each and are designed for the purpose for which they were being used.

Job assignments were made by the senior lineman; the junior lineman and the groundman understood what their assigned duties were for this job. The lead lineman went to Volanta Avenue Substation, circuit 3300, and applied a Hot Line Tag to the substation breaker to allow the crews to perform their live line work. All crew members were wearing fire retardant clothing, hard hats, safety glasses, and appropriate footwear. Additionally, the linemen working in the bucket in proximity to the energized lines were wearing fall restraint harnesses and Class 2 rubber gloves.

The work being performed at the time of the accident was transferring the copper wires to the fiberglass arms, moving the wire out further away from the metal pole.

At approximately 11:40 a.m., the senior lineman told the junior lineman that their work on the pole was complete and that they were to lower the buckets and move the trucks to continue work on the next pole. As they were lowering the buckets, all four of the cross arm braces broke, causing the wooden cross arm to be free to pivot. The cross arm pivoted downward on the heavy side (i.e., the side that was supporting two phases of the line) and came in contact with the junior lineman in two places on his posterior torso: his upper right torso/back of the neck area and his lower right torso.

The employees on site immediately performed emergency rescue procedures, including asking for someone to call 911 and bucket truck rescue. Another City employee who is not part of the electric department happened to be driving by, witnessed the accident, and also came to the aid of the injured employee.

Contributing Factors in Brace Failure:

Our review of the particulars of this accident has identified several possible factors that contributed to the failure of the wooden cross arm braces. Unfortunately, due to the age of the line and the lack of design records from the time it was installed, many of these factors are speculative at best. In no particular order, they are:

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- **Insufficient brace strength when originally designed.** Because we do not have records to confirm what the design and loading requirements of the braces were when they were originally purchased, it is possible that the braces were overloaded and had been for some time.
- **Inability to compute load bearing potential of braces.** Because we do not have records that provide information on the capacity of the existing braces, it is not known whether they were sufficient. Variables that would go into this complex calculation involve bending moments, line sag, temperature and the angle at which braces are installed. Following the accident, research into product literature of cross arm braces was undertaken in an effort to determine what the load bearing capacity of the existing braces was, but even current literature fails to detail this information.
- **Degradation of braces over time.** Observations of similar wooden products that have been retired has shown us that wood begins to degrade over time in areas not covered by metal. Factors such as wind, UV light from the sun, and driven rain are eroding the mass of wooden items such as cross arms, braces and wooden poles. Measurement of the particular braces in question showed that the braces had lost around 20% of their original mass due to weathering.
- **Failure to recognize the potential for all of the braces to fail simultaneously.** The next pole in line is supported in a cantilever style with a single steel brace. Because we recognized prior to beginning work at this location that this single brace might be subjected to more stress than what it was rated for, additional braces were added to shore up the strength of the steel brace. However, we did not anticipate that double sets of cross arms and braces could fail simultaneously in the way they did, as none of us had ever seen a failure of this type occur, nor have we ever heard of a case similar to this one.

It should be noted that none of the above factors has been identified as the specific cause of the accident, but these are the most likely causes based on our investigation and related research.

Contributing Factors in Employee Survival:

The injured employee came in contact with 12,470 volts of electricity, which has the potential to result in very serious, often fatal, injuries. Although ideally we would have preferred that no employee was harmed, we also recognize that the outcome could have been much, much worse. The potential for a more serious outcome was mitigated due to several factors:

- Employees were trained in the procedures and practices to perform Bucket Rescue.
- Employees were trained in and utilizing switching procedures, which ensured that the line immediately tripped when it struck the employee, preventing further harm.
- Employees were wearing fire retardant clothing, which likely minimized the affected employee's injuries significantly.
- Employees working on live lines use dielectric rubber gloves. The gloves are dielectrically tested quarterly - twice as often as is mandated by OSHA.

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- All vehicles involved in live line work are dielectric tested and maintained.
- Employees were wearing eye protection.
- Employees working on live lines use rubber protective cover materials on the wires.
- Employees utilize fall restraint harnesses.
- Engineering practices such as applying hot line tags to substation breakers when performing live line work were implemented when the current superintendent arrived in 2008 and are used without exception when live line work is being performed.

Risk Management

Linemen in Fairhope and around the country perform live line work on electric systems on a daily basis. The absolute safest way to perform line maintenance is to work all lines “dead”, or de-energized. At times, this is practical. Most of the time, however, it is not, because customers have come to expect that they will have uninterrupted electricity service.

Therefore, our responsibility is to perform such work in the safest way that we can. To do so requires continuous training and education, consistent use of safety equipment and techniques, and adoption of improved safety equipment and techniques as they are developed. Techniques or education that we currently have and/or will implement in the future, as a result of what we have learned, include:

- Diligence in performing Tailgate Safety meetings before the start of any job, with focus on the hazards present, what personal protective equipment (PPE) is required and a clear understanding of job duties.
- Rigorous inspection of all pole hardware, especially those made of natural products, prior to disturbing them (these inspections are best done aloft, as not all issues can be observed from the ground). Identification of potential problems will require further evaluation and delay the job until the hazard is overcome.
- Taking extra measures to mitigate hazards, not assuming that items have their original strength and integrity. These additional measures may include extra supports, braces, or using a vehicle to support a pole or other structure while it is being worked on.
- Continued use of sound switching practices and fundamentals in performing live line work.

Other items to consider include:

- Software to evaluate pole and guy wire design and integrity prior to placement, building in significant factors of safety, and conformance to national standards.
- Re-starting a wood pole treatment and remediation program on a routine basis.

3) USA Today’s Retirement Guide listed Fairhope as Number Five place to retire in the country.

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Council President Mixon asked Mayor Kant for the ADEM letter regarding the Water & Sewer Plant closing. Mayor stated he will provide letter to the Council.

Councilmember Kingrea addressed the City Council that the first meeting of the Education Advisory Committee will be held sometime next week.

Councilmember Quinn addressed the City Council and stated Dan Burden will be back in town on Friday, March 2 at 8:00 a.m. to meet and educate people. The E-Coli counts in the bay report are back and a meeting will be held Thursday, March 1 at 11:00 a.m. to discuss the results. Lastly, Councilmember Quinn asked that everyone keep those in Afghanistan in your prayers.

The following individuals spoke during Public Participation:

1) Pauline Martin, Thomas Hospital, regarding the Spring Fever Chase on March 17, 2012 and the money raised goes to our school system.

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

A Public Hearing was held as advertised on the request for a Lounge Liquor License by Patricia DeRouen, Vintage Wine and Liquor, L.L.C., d/b/a Vintage Wine and Liquor, located at 903 Fairhope Avenue, Fairhope, Alabama. The public hearing was opened at 6:15 p.m. No one present opposed the proposed Lounge Liquor License the Public Hearing closed at 6:15 p.m. Councilmember Kingrea moved to approve the issuance of the license. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution Authorizing Mayor Timothy M. Kant to dispose of personal property owned by the City of Fairhope (191 Old Christmas Ornaments) declaring it surplus and donating such property to the Friends of the Fairhope Museum. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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RESOLUTION NO. 1912-12

WHEREAS, the City of Fairhope, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

WHEREAS, Section 11-43-56 of the Code of Alabama of 1975 authorizes the municipal governing body to dispose of unneeded personal property;

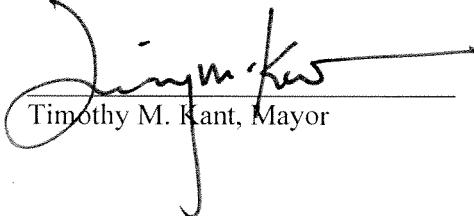
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FAIRHOPE, ALABAMA, AS FOLLOWS:

SECTION 1. That the following personal property owned by the City of Fairhope, Alabama, is not needed for public or municipal purposes, and is hereby declared surplus:

191 Old Christmas Ornaments

SECTION 2. That the Mayor is hereby authorized and directed to dispose of the personal property owned by the City of Fairhope, Alabama, described in Section 1, above, by donating such property to The Friends of the Fairhope Museum, Inc. which is a 501(c)3 entity established to assist the museum staff and the Museum Advisory Board in all fund raising aspects of the museum; and to maintain a gift shop at the museum.

ADOPTED AND APPROVED THIS 27TH DAY OF FEBRUARY, 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 Kant to execute a Contract with G & K Industries, Inc. for rental services for the Water Department. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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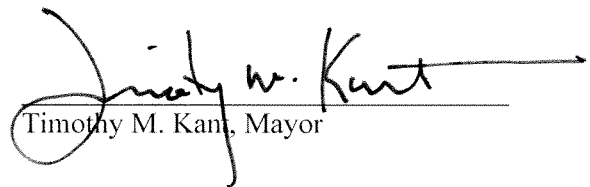
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RESOLUTION NO. 1913-11

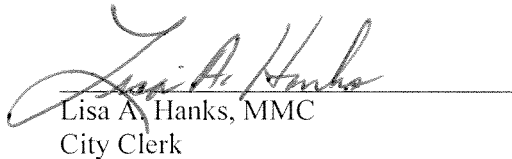
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Kant is hereby authorized to execute a Contract between the City of Fairhope and G & K Industries, Inc. for rental service for Water Department Uniforms. The cost of the uniforms will be approximately \$6,360.64 per year.

Adopted on this 27th day of February, 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 Award bid for a Four Year Lease for Golf Carts for Quail Creek Golf Course (Bid No. 004-12) and with the amendment to authorize Mayor Timothy M. Kant to negotiate and execute a short term golf cart rental agreement. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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RESOLUTION NO. 1914-12

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 Four-Year Lease for Sixty-Five (65) Golf Carts and One (1) Utility Cart for the Quail Creek Golf Course (Bid Number 004-12) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

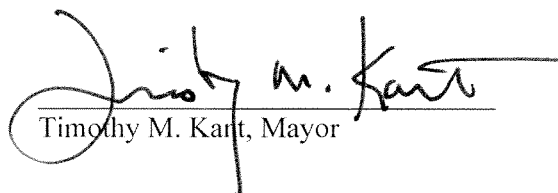
[2] At the appointed time and place, the following bids were opened and tabulated as follows:

Please see attached Bid Tabulation for a
a Four-Year Lease for Sixty-Five (65) Golf Carts and One (1) Utility Cart
for the Quail Creek Golf Course

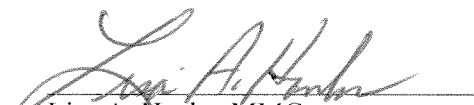
[3] After evaluating the bid proposals with the required bid specifications, Club Car, L.L.C., with the total bid proposal of \$212,869.92, is now awarded the bid for a Four-Year Lease for Sixty-Five (65) Golf Carts and One (1) Utility Cart for the Quail Creek Golf Course.

[3] And to authorize Mayor Timothy M. Kant to negotiate and execute a short term golf cart rental agreement to remain in effect until the new long term lease golf carts are in place, at an approximate cost of \$7,000 plus freight.

Adopted on this 27th day of February, 2012


Timothy M. Kant, Mayor

Attest:


Lisa A. Hanks, MMC
City Clerk

City Administrator Mims read Agenda Item No. 10, a resolution for the Approval of the Proposed Projects for the Volanta Watershed Gulley Project with construction projects not to exceed \$50,000. Councilmember Kingrea suggested not moving forward on this as the plans are not finished. Councilmember Kingrea moved to table Item No. 10, seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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City Council reviewed an application for a Beer On/Off and Wine On/Off Premises License by Thomas E. Cain, T. Cain Grocery, Inc. dba Cain's Piggly Wiggly, located at 100 Plantation Point, Fairhope, Alabama. Councilmember Quinn moved to approve the issuance of the license. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

City Council reviewed an application for a Special Events Retail License for St. Patrick's Day by Ronan McSharry, Louelda, L.L.C., d/b/a McSharry's Irish Pub, located at 101 North Bancroft Street, Fairhope, Alabama. Councilmember Kingrea moved to approve the issuance of the license. Seconded by Councilmember Ford, motion passed unanimously by voice vote.


Councilmember Stankoski moved to grant the request of Pauline Martin, Thomas Hospital, requests use of Knoll Park and Cliff Drive Bay Front Bluff for Spring Fever Chase on March 17, 2012. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

At the request of the City Attorney, Marion E. Wynne, the City Council will rise from the meeting to go into Executive Session to hear an update of all the pending legal issues. The approximate time to be in Executive Session is 30 minutes. Councilmember Kingrea moved to go into Executive Session. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Exited the dais at 6:20 p.m. Returned at 7:25 p.m.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:26 p.m.


Lonnie L. Mixon, Council President


Candace G. Antinarella
Assistant City Clerk