

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

TUESDAY, 29 MAY 2012 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve Minutes of 14 May 2012 Regular City Council Meeting and Minutes of the 14 May 2012 Work Session.
 2. Report of the Mayor
Jennifer Fidler – AARP Recognition
 3. Council Comments
 4. City Administrator
- ADD ON** Resolution – Authorizing Mayor Timothy M. Kant to execute Amendment No. 2 to Contract PS002-11, Phase One of the Water and Sewer Study, with CH2MHILL, Amendment Two for rehabilitation, treatment modifications, and treatment plans for Well 5, and other services as requested by the City of Fairhope.
- ADD ON** Motion to fill vacancy for Corrections Officer for the Police Department.
- ADD ON** Motion to direct staff to prepare a draft resolution to authorize \$38,000.00 from the Impact Fees Fund or other City Funds for Bleachers and Goal Posts as requested from the previous meeting for the Recreation Department.
5. Public Participation
 6. Resolution - Award bid for Golf Course Aerator Rebid for Quail Creek Golf Course (Bid No. 024-12).
 7. Resolution – Authorizing Mayor Timothy M. Kant to execute Amendment No. One to the Contract for Engineering Services for Volanta Watershed Management (PS014-11).
 8. Ordinance – Final Adoption - An Ordinance adopting New Building, Mechanical, Plumbing, Fuel and Gas, Fire and Electric Codes (Introduced at the May 14, 2012 City Council Meeting)
 9. Ordinance - An Ordinance to Provide for Rules and Regulations for Recreation Areas including Fairhope Municipal Park, Volanta Park, Stimpson Field, Founder’s Park, Barnwell and Manley Road.
 10. Ordinance – An Ordinance to Exempt Certain “Covered Items” from the Municipal Sales and Use Tax for July 6-8, 2012 Authorized by Act 2012-256 known as the Severe Weather Preparedness Tax Holiday.
 11. Application for a Restaurant Liquor License by Virginia H. Walcott, Windmill Market, L.L.C. dba Windmill Market, located at 85 N. Bancroft Street, Fairhope, Alabama.
 12. Request – Marietta Johnson Museum - Request placement of directional signs.

13. Executive Session – Discuss Pending Litigation.
14. Adjourn

Next Regular Meeting Monday, June 11, 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 Tuesday, 29 May 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 Dr. Jerry Henry, Pastor at First Baptist Church, and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 14 May 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 14 May 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 presented Jennifer Fidler, Public Works Director, with an award from the AARP for the restriping and paving project which made the streets more pedestrian friendly and more walkable.

Councilmember Quinn addressed the City Council and mentioned the complaints being received on the parking garage and cleanliness. Mayor Kant replied that Gregg Mims was working with the Police Department for cameras; and we have a regular clean-up crew for the parking garage.

Councilmember Stankoski addressed the City Council on the following items:

1. Education Advisory Committee has gone to all five schools for a walk through and spoke with staff at each. We are committed to find ways to improve education.
2. Met with Mayor Kant regarding water truck to water flowers and to also do repairs at Library.

Council President Mixon appointed a committee to work on Fairhoper's Community Park: Sherry Sullivan, Tom Kuhl, Ken Eslava, Councilmember Kingrea, Councilmember Stankoski, two members from Leanne Pearson's group, two members from Play by the Bay, and Councilmember Ford.

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Councilmember Kingrea addressed the City Council regarding the Fairhope Baseball team and their outstanding season. He said they are one of the best and most consistent teams in the State. Councilmember Kingrea mentioned receiving a couple of requests for funds from the City and he will give those to Sherry Sullivan.

City Administrator Gregg Mims addressed the City Council regarding the following item: Police Chief introduced our newest Police Officer Gregory Williams who will be in the Uniform Patrol Division. Officer Williams will be going to the Police Academy in July.

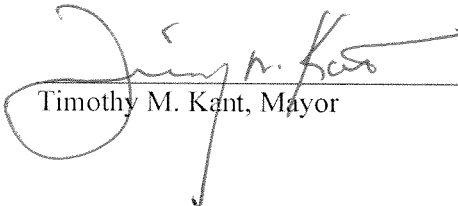
Councilmember Stankoski moved to address the following items **not** on the printed agenda: Resolution for CH2MHILL Amendment No. 2 to Contract, Motion to fill vacancy for Corrections Officer, and Motion to direct staff to prepare a draft resolution to authorize \$38,000 from the Impact Fees Fund or other City Funds for Bleachers and Goal Posts as requested from the previous meeting for the Recreation Department. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute Amendment No. 2 to Contract PS002-11, Phase One of the Water and Sewer Study, with CH2MHILL, Amendment Two for rehabilitation, treatment modifications, and treatment plans for Well 5, and other services as requested by the City of Fairhope. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

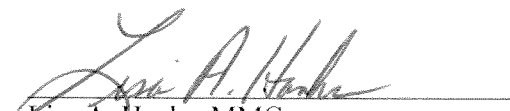
RESOLUTION NO. 1942-12

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 No. 2 to Contract PS002-11, Phase One of the Water and Sewer Study, with CH2MHILL, Amendment Two for rehabilitation, treatment modifications, and treatment plans for Well 5, and other services as requested by the City of Fairhope; not to exceed \$9,800.00.

DULY ADOPTED THIS 29TH DAY OF MAY, 2012


Timothy M. Kant, Mayor

Attest:


Lisa A. Hanks, MMC
City Clerk

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Councilmember Kingrea moved to grant the request for the Fairhope Police Department for the approval to fill vacancy for a Corrections Officer. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Stankoski moved to direct staff to prepare a draft resolution to authorize \$38,000 from the Impact Fees Fund or other City Funds for Bleachers and Goal Posts as requested from the previous meeting for the Recreation Department. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

The following individuals spoke during Public Participation:

1. Bob Keyser, representing the Fairhope Booster Club and Recreation Board member, addressed the City Council regarding Agenda Item Number 9, an Ordinance to provide for rules and regulations for recreation areas including Fairhope Municipal Park, Volanta Park, Stimpson Field, Founder's Park, Barnwell, and Manley Road. Mr. Keyser first mentioned we have two State champions: one for the Triple Jump and one for 6-A Golf. Then he said the challenges in the ordinance are in the spaces that we use and there are health and safety concerns. Enforcement of the ordinance and coolers were questioned. Mr. Keyser stated that a Board member would request for the violation to stop, and if needed, would contact the Police Department. He also said that these rules and regulations are only while event are being played.
2. Erik Cortinas, Commissioner of Fairhope Baseball and Recreation Board member, addressed the City Council regarding Agenda Item Number 9. Mr. Cortinas mentioned a dog obedience class, with 20 to 25 dogs, at one of the fields and the owners left a mess. He said skateboarding is an issue with children being run down. The City also has a "Young Lungs at Play" ordinance.

City Administrator Mims addressed the City Council and briefly explained Agenda Items Number 6 through Number 12 prior to the City Council voting on same.

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution to award bid for Golf Course Aerator rebid for Quail Creek Golf Course (Bid No. 024-12). Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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RESOLUTION NO. 1943-12

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

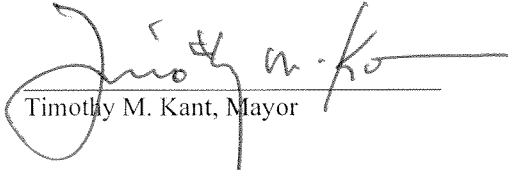
[1] That the City of Fairhope did request, receive, and open bids for Golf Course Aerator Rebid (Bid Number 024-12) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

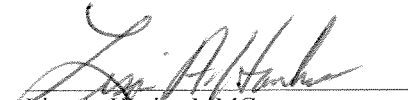
Please see attached Bid Tabulation for
Golf Course Aerator Rebid

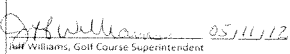

[3] After evaluating the bid proposals with the required bid specifications, Jerry Pate Turf and Irrigation, Inc., with the total bid proposal of approximately \$20,651.73, is now awarded the bid for the Golf Course Aerator Rebid.

Adopted on this 29th day of May, 2012


Timothy M. Kant, Mayor

Attest:


Lisa A. Hanks, MMC
City Clerk

CITY OF FAIRHOPE BID TABULATION and RECOMMENDATION BID NO: 024-12 BID NAME: GOLF COURSE AERATOR REBID BID OPENED: MAY 8, 2012 2:00 P.M. Note: Bid Bond waived.								
VENDOR	Non-Collusion Statement & Bid Proposal Executed / Signed / Notarized	Delivery lead time ARO in days	Instructions /Specification Compliance	Manufacturer	Model	Hours of use	Bid Price per Unit	
Jerry Pate Turf and Irrigation, Inc	yes	within 30 days	yes					
			New Unit	TORG	ProCore 648		\$21,222.50	
			Demo Unit	TORG	ProCore 648	1.7 hrs	\$20,651.73	
Beard Equipment Company	yes	30 days	yes					
			New Unit	John Deere	800		\$18,235.00	
			Demo Unit					
Specialty Turf Supply, Inc	yes	21 days	yes					
			New Unit	Redoxim Charterhouse	Carrier /W1513 VER11 Drain		\$28,200.00	
			Demo Unit	Redoxim Charterhouse	Carrier /W1513 VER11 Drain	2-3 hours	27,200.00	
RECOMMENDATION: Award bid to Jerry Pate Turf and Irrigation, Inc in the amount of \$20,651.73.				To my knowledge this is an accurate Bid Tabulation.				
 Jeff Williams, Golf Course Superintendent				 Dan P. Ames, Purchasing Manager				

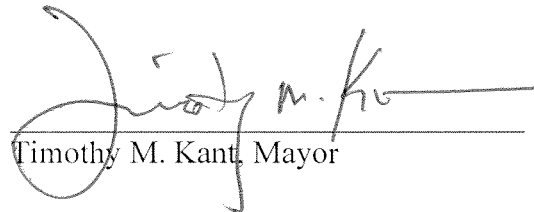
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Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute Amendment No. One to the Contract for Engineering Services for Volanta Watershed Management (PS014-11). Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1944-12


BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute Amendment No. One to Contract for Engineering Services for Volanta Watershed Management Plan with JADE Consulting, L.L.C. (PS014-11) with a cost not to exceed \$2,000.00.

DULY ADOPTED THIS 29TH DAY OF MAY, 2012



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Ford moved for final adoption of Ordinance No. 1469, an Ordinance adopting New Building, Mechanical, Plumbing, Fuel and Gas, and Electric Codes. (Introduced at May 14, 2012 City Council Meeting). The motion was seconded by Councilmember Kingrea. City Administrator Mims stated for the record “that anytime you adopt new codes, you have existing plans that are under review, any officially stamped-in plans that are under review by the Building Department, will be judged under the old codes not the newly adopted 2012 code.” After further discussion, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY – None.

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Councilmember Ford introduced in writing Ordinance No. 1470, an Ordinance to provide for Rules and Regulations for Recreation Areas including Fairhope Municipal Park, Volanta Park, Stimpson Field, Founder's Park, Barnwell and Manley. In order to take immediate action, Councilmember Ford 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 Kingrea mentioned he would like to amend the ordinance by changing the wording from “No coolers allowed during scheduled athletic events” to “No coolers allowed at scheduled athletic events.” Councilmember Kingrea then moved for final adoption of Ordinance No. 1470 with the amendment. Seconded by Councilmember Quinn with the amendment, motion for final adoption as amended passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY – None.

Councilmember Stankoski commented that the folks on the Recreation Board have done a good job and are the ones on the playing field; and said he did not have a problem with any aspect of this ordinance. Councilmember Quinn commented that the people that she had talked with were the ones at the beach and pool; and if these were not considered a field then they don't have a problem. Councilmember Ford stated the he had attended the Recreation Board meetings and this was thoroughly discussed by both sides. This ordinance is a safety measure for the playing areas.

Councilmember Stankoski introduced in writing Ordinance No. 1471, an Ordinance to Exempt Certain “Covered Items” from the Municipal Sales and Use Tax beginning at 12:01 a.m. on Friday, July 6, 2012 and ending at twelve midnight the following Sunday July 8, 2012; authorized by Act 2012-256 known as the Severe Weather Preparedness Tax Holiday. In order to take immediate action, Councilmember Stankoski 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. 1471. Seconded by Councilmember Kingrea, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY – None.

City Council reviewed an application for a Restaurant Liquor License by Virginia H. Walcott, Windmill Market, L.L.C., d/b/a Windmill Market located at 85 N. Bancroft Street, Fairhope, Alabama. Councilmember Quinn moved to approve the issuance of the license. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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The request of the Marietta Johnson Museum was postponed until the next meeting. Maggie Mosteller, Director of the Museum, addressed the City Council regarding the request for directional signs and showed the City Council a facsimile of the signs. Council President Mixon stated the City Council needed more information on the signs and placement. Ms. Mosteller was told this request needs to go before the Board of Adjustments and Appeals and she would be contacted.

At the request of the City Attorney, Marion E. Wynne, the City Council will rise from the meeting to go into Executive Session to discuss based on Section 36-25A-7(a)(3) to discuss pending litigation. The approximate time to be in Executive Session is 30 minutes.


Councilmember Quinn moved to go into Executive Session. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Exited the dais at 6:37 p.m. Returned at 7:10 p.m.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:10 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, MMC
City Clerk