

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

MONDAY, 8 AUGUST 2011 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve Minutes of 25 July 2011, Regular City Council Meeting.
2. Old Business
3. Report of the Mayor
- ADD ON** Motion to reject the RFP for Garbage, Trash, and Recycling; and send back to the Public Works Committee to review RFP; and then bring back to the City Council.
4. Council Comments
- ADD ON** Motion to consider paying the attorney's fees for Chief Bill Press regarding the Ethics Commission hearing.
5. City Administrator
6. Public Participation
7. Appointment – Financial Advisory Committee – Dr. Robert Riggs
8. Resolution – Setting forth Fee Waivers for Organizations at the Fairhope Civic Center, the James P. Nix Center and Streets and Parks.
9. Resolution – Award bid for a Backhoe Four-Year Lease/Purchase for the Gas Department (Bid Number 024-11)
10. Resolution – Award bid for the James P. Nix Center Roof Replacement (Bid Number 028-11)
11. Resolution – To purchase 1,000 Water Meter Registers for the Water Department.
12. Resolution – Award bid for the Quail Creek Golf Course Food Service to Alan's Grill and authorize Mayor Timothy M. Kant to execute a contract with Alan's Grill.
13. Resolution – Authorizing the City Treasurer and the Purchasing Manager to issue a RFP to banking institutions for refinancing of Utility Revenue Warrant 2002.
14. Resolution – Authorizing the City Treasurer and the Purchasing Manager to issue a RFP to banking institutions for refinancing of General Obligation Warrant 2002.
15. Resolution – Authorizing the City Treasurer and the Purchasing Manager to issue a RFP to banking institutions for a Line of Credit for the General Fund.

16. Ordinance – Final Adoption – Amend Zoning Ordinance No. 1253.
Zoning Ordinance Amendments - Article IV Site Design Standards, Section H. Tree Preservation.
(Introduced at the July 25, 2011 City Council meeting)
17. Ordinance – Final Adoption - Amend Zoning Ordinance No. 1253.
Zoning Ordinance Amendments - Article III Zoning Districts, Section A. Purpose and Intent; 10. B-1
Local Shopping District. (Introduced at the July 25, 2011 City Council meeting)

ADD ON Executive Session – Discuss Pending Litigation.

ADD ON Resolution – Authorizing Mayor Timothy M. Kant to proceed with settlement agreement with the Green case.

18. Adjourn

Next Regular Meeting Monday, August 22, 2011 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, 8 August 2011.

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 25 July 2011, regular meeting. Councilmember Quinn said that her statement regarding the site plan discussion should have been “she mentioned there must be off-street parking, loading and unloading in two spots.” Councilmember Quinn moved to amend the minutes with the above mentioned statement. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote. Then, Council President Mixon stated if there are no other corrections, the minutes stand approved as amended

Councilmember Kingrea moved to address the following item **not** on the printed agenda: motion to go into Executive Session to discuss pending litigation. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Mayor Kant addressed the City Council with the following items:

- 1) Doris Shull, wife of former Councilmember, and Red Waggoner, former Fire Chief, passed away. A moment of silence was held for both.
- 2) The RFP for the Garbage, Trash, and Recycling is now on the streets.
- 3) The City has an AA- rating from Standard & Poor.
- 4) The Paving of the Streets should be ready for the next agenda.

Council President Mixon stated the RFP for the Garbage, Trash, and Recycling needed to be pulled due to problems with specifications and requiring companies to do specific things. Councilmember Kingrea moved to address the following item **not** on the printed agenda. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Kingrea moved to reject the RFP for the Garbage, Trash, and Recycling and send back to the Public Works Committee to review and bring back to the City Council. The motion was seconded by Councilmember Quinn who stated that there were too many restrictions on the RFP. Councilmember Ford stated we

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should be able to tell the company what they should or should not do. Councilmember Quinn stated the company may not have to spread its pick up across four days. Councilmember Kingrea said we need a more realistic RFP and if doesn't work then we go back to Plan A. Mayor Kant commented that the document is what we do now regarding garbage, trash, and recycling. Councilmember Stankoski said there is no urgency on this; it is either acceptable or not acceptable. After further discussion, motion passed unanimously by voice vote.

Council President Mixon stated that the Council is concerned about what is going on in the Police Department: an Ethics Complaint was filed, and then charges were dropped by the Ethics Commission unanimously, a meeting with Police Officers was held and you were told someone could get hurt. Council President Mixon asked for the status of what is being done. Mayor Kant replied that he and Lisa Hanks met this morning and we are going to get with Paul Myrick for advice about this situation.

Councilmember Quinn said she wished the Council would have heard about this before reading in the newspaper. Mayor Kant replied he was called by a reporter and he answered questions. Councilmember Stankoski said his concerns were if it is a personality issue or hostile working conditions. These issues need to be resolved. Mayor Kant said we need do research and then let you know something after it is finished. Mayor Kant commented that a meeting was called for the officers to hear what their concerns were and allow them to vent. Councilmember Stankoski and Councilmember Kingrea were asked to meet with the Mayor to discuss this issue.

Councilmember Kingrea said he too was very concerned about the following issues:

- 1) Hiring another attorney instead of using our City Attorney Wynne;
- 2) Told City Attorney Wynne not to represent Chief Press;
- 3) Violating an ordinance from 1999 and after reading it, it doesn't specify who pays the officers;
- 4) Mayor Kant had to know about the checking account due to a letter from March 2008 where the Mayor signed to authorize the account;
- 5) October 24, 2007 spreadsheet detail payments through the account;
- 6) Meeting with officers is commended, but this was two weeks ago and no one has been told about this meeting;
- 7) Termination request not followed through due to Mayor saying no; and this is a safety issue; and
- 8) Mayor ordered to have at least five officers on patrol and two officers that attended the meeting mentioned above should have been on patrol that night

Councilmember Quinn stated she wanted to commend City Administrator Gregg Mims for achieving the title of International City/County Management Association (ICMA)'s Credentialed Manager Candidate designation "ICMA-CM" and only a very few in the State of Alabama. She also asked for an update on the e-coli issue. Mayor Kant replied that the City is still testing and will need to test more to find the source.

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Councilmember Stankoski said that yesterday was National Purple Heart Day which honors veterans who were wounded in combat. He expressed his thanks for the service that our veterans have given to our Country and our City.

Councilmember Ford stated that we need to straighten this issue with the Police Department and this situation needs to be addressed.

Lonnie read the following letter and asked for it to be part of the official record:



COMMISSIONERS
 Braxton L. Kittrell, Jr., Esq., Chair
 Josephine M. Venable, Vice Chair
 Anthony Humphries
 Dr. Jesseff W. Henderson
 Rebecca Elgin, Council

STATE OF ALABAMA
 ETHICS COMMISSION

MAILING ADDRESS
 P.O. BOX 4840
 MONTGOMERY, AL
 36103-0840

STREET ADDRESS
 RSA UNION
 100 NORTH UNION STREET
 SUITE 104
 MONTGOMERY, AL 36104



James L. Sumner, Jr.
 Director

TELEPHONE (334) 242-2993
 FAX (334) 242-6748
 WEBSITE: www.ethics.alabama.gov

August 4, 2011

James E. Atchison, Esquire
 The Atchison Firm, P.C.
 3030 Knollwood Drive
 Mobile, Alabama 36693

and

Vincent F. Kilborn, III, Esquire
 Kilborn Roebuck & McDonald
 Post Office Box 66710
 Mobile, Alabama 36660

Re: Bill Press, Police Chief, City of Fairhope

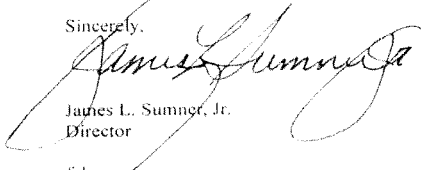
Dear Gentlemen:

On June 1 and August 3, 2011, the members of the Commission met to review the matter regarding allegations that your client may have violated the Alabama Ethics Law. The Commission also gave Chief Press, as the respondent, an opportunity to respond to these allegations.

Based on the evidence as presented, the Commission found there currently exist insufficient facts to hold that Chief Press has violated the Alabama Ethics Law, and further moved that the case be closed.

Thank you for the cooperation we have received from you and your client.

Sincerely,


 James L. Sumner, Jr.
 Director

/jd

cc: Mr. Bill Press ✓
 382 Dover Street
 Fairhope, AL 36532

8 August 2011

Councilmember Quinn moved to address the following item **not** on the printed agenda. Seconded by Councilmember Stankoski, motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – Ford.

Councilmember Stankoski moved to consider paying the attorney's fees for Chief Press regarding the Ethics Commission Complaint. Seconded by Councilmember Kingrea, motion passed by unanimously by voice vote.

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

- 1) Greeno Road Sidewalk Project – the permit has been approved in order to go forward.
- 2) Energy Usage Audit will begin this week.
- 3) Volanta Sidewalk Project update and Fairhope Single Tax Corporation is paying for this project.
- 4) NIMS update – the City is making sure we are NIMS compliant in order for FEMA, when needed, to being able to issue funds.

Councilmember Kingrea moved to carryover Agenda Item Number 7, the appointment to the Financial Advisory Committee, until the August 22, 2011 City Council meeting. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution setting forth Fee Waivers for Organizations at the Fairhope Civic Center, the James P. Nix Center and Streets and Parks. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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8 August 2011

RESOLUTION NO. 1819-11**A RESOLUTION SETTING FORTH FEE WAIVERS FOR ORGANIZATIONS AT THE FAIRHOPE CIVIC CENTER, THE JAMES P. NIX CENTER, AND STREETS AND PARKS**

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

Non-profit organizations will pay 50% of all rental and cleaning fees; however, they will be responsible for security, any damages, and any incidentals (table cloths, use of piano, etc.). **Organizations must show proof of their 501(c)(3).**

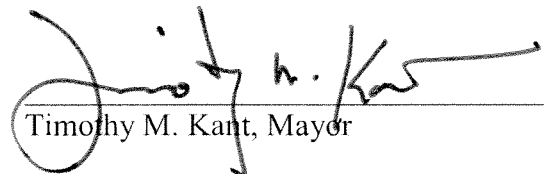
The Fairhope Public Schools may use the Nix Center, the Civic Center, and streets and parks for no charge with a written request from the principal and approval by the facility manager. Fees for incidentals or any damages will still apply.

Law Enforcement Personnel is required for any event where alcohol is present, any school function or when deemed necessary by the facility or event manager. The number of required law enforcement personnel and any other law enforcement requirements will be determined by the Fairhope Police Department.

All other organizations will pay the fees as listed in the current ordinances pertaining to Civic Center, Nix Center and parks and street rentals and no request may be made for fee waivers to the Mayor and/or the City Council.

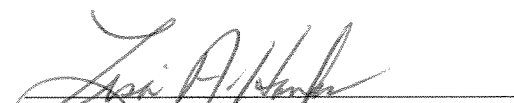
The following resolution is hereby repealed: Resolution No. 1677-10 adopted on August 9, 2010.

ADOPTED THIS 8TH DAY OF AUGUST, 2011



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk

8 August 2011

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to award bid for a Backhoe Four-Year Lease/Purchase for the Gas Department (Bid Number 024-11). Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1820-11

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

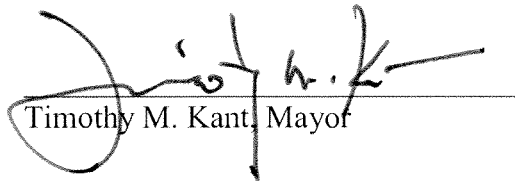
[1] That the City of Fairhope did request, receive, and open bids for a Backhoe Four-Year Lease/Purchase for the Gas Department (Bid Number 024-11) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for a
Backhoe Four-Year Lease/Purchase for the Gas Department

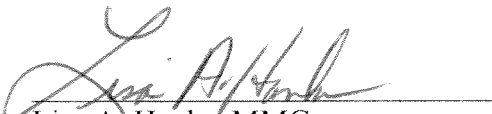
[3] After evaluating the bid proposals with the required bid specifications, Thompson Tractor Company, Inc., with the total bid proposal of \$102,865.05, is now awarded the bid for a Backhoe Four-Year Lease/Purchase for the Gas Department.

Adopted on this 8th day of August, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

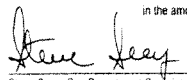
8 August 2011

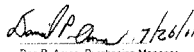
CITY OF FAIRHOPE
 BID TABULATION and Recommendation
 BID NUMBER: 024-11
 BID NAME: Backhoe Lease for Fairhope Gas Department
 BID OPENED: June 21, 2011 2:00p.m.
 Note: Bid Bond waived.

	Non Collusion Bid Proposal Executed / Signed / Notarized	Delivery lead time ARO Days	Instructions /Specification Compliance	Manufacturer	Model	PURCHASE OUTRIGHT TOTAL BID	48 MONTH LEASE PER MONTH	Lease With Purchase at end of Lease using vendor supplied financing	TOTAL LEASE PLUS PURCHASE BID
Baruch & Company									
Beard Equipment Company									
Covin Equipment									
Foley Implement Company									
Kingline Equipment L.B. Smith / ASC Construction Equipment USA	YES	90		New Holland	B95B	\$ 96,000.00	\$ 2,263.38	\$ 1.00	110,111.85
Thompson Tractor	YES	54		CAT	420e	\$ 87,345.00	\$ 1,361.80	\$ 37,498.65	102,865.05
Toomey Equipment Company									
Tractor & Equipment Company									
Tri-County Implement, Inc.									
United Rentals									

Recommendation: Award bid to Thompson Tractor
 in the amount of \$102,865.05

To the best of my knowledge this is a true and accurate bid tabulation


 Steve Seay, Gas Department Superintendent


 Dan P. Ames, Purchasing Manager

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution to award bid for the James P. Nix Center Roof Replacement (Bid Number 028-11). Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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RESOLUTION NO. 1821-11

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

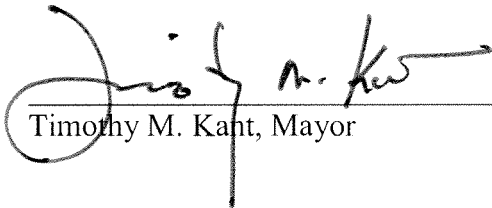
[1] That the City of Fairhope did request, receive, and open bids for the James P. Nix Center Roof Replacement (Bid Number 028-11) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for
The James P. Nix Center Roof Replacement

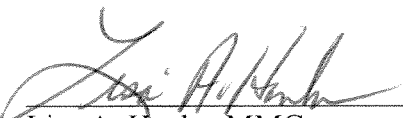
[3] After evaluating the bid proposals with the required bid specifications, The Highland Group, LLC, with the total bid proposal of \$53,280.00, is now awarded the bid for the James P. Nix Center Roof Replacement.

Adopted on this 8th day of August, 2011



Timothy M. Kaht, Mayor

Attest:



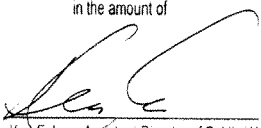
Lisa A. Hanks, MMC
City Clerk

8 August 2011

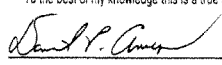
CITY OF FAIRHOPE
 BID TABULATION and Recommendation
 BID NO: 028-11
 BID NAME: NIX Center Roof Replacement
 BID OPENED: 19-Jul-11
 Note: Bid Bond waived

VENDOR	Non-Collusion statement/Bid Proposal Executed / Signed / Notarized	Instructions /Specification Compliance	Total Bid	Bid for plywood decking (if needed) per sq. ft.	Bid for metal flashing(if needed)per linear ft.	Signed addenda
The Highland Group.org	yes		\$ 53,820.00	\$ 1.75	\$ 4.16	yes
Kiker Corporation	yes		\$ 63,671.00	\$ 4.00	\$ 5.00	yes
Thomas Industries	no response					

Recommendation: Award to The Highland Group LLC
 in the amount of \$53,820.00

 7/25/11
 Ken Eslava, Assistant Director of Public Works

To the best of my knowledge this is a true and accurate bid tabulation

 7/25/11
 Daniel P. Ames, Purchasing Manager

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase 1,000 Water Meter Registers for the Water Department. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

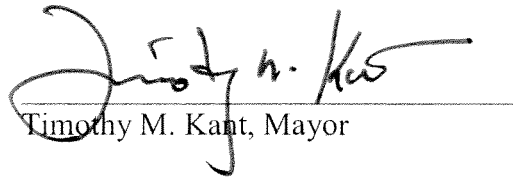
8 August 2011

RESOLUTION NO. 1822-11

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

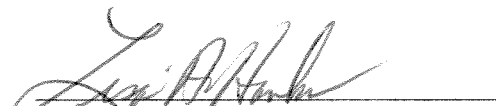
[1] That the City of Fairhope has voted to purchase 1,000 Water Meter Registers, as needed, for the Water Department and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7), not to exceed the approved budgeted amount. These units must be compatible with our existing system; and are budgeted in the Capital Improvement Budget. The cost per meter will be approximately \$175.00 per meter or the best price available.

Adopted on this 8th day of August, 2011



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 the Quail Creek Golf Course Food Service to Alan's Grill and authorize Mayor Timothy M. Kant to execute a contract with Alan's Grill. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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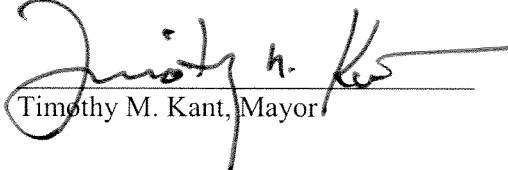
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8 August 2011

RESOLUTION NO. 1824-11

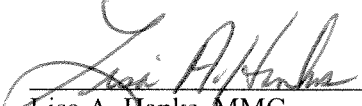
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Treasurer and the Purchasing Manager are authorized to issue a Request for Proposal (“RFP”) to banking institutions for refinancing of Utility Revenue Warrant 2002 in the approximate amount of \$6,720,000, with additional new proceeds in the approximate amount of \$8,600,000 for upgrades and expansion of water and sewer systems, for an approximate total of \$15,320,000, for a term of twenty years.

Adopted on this 8th day of August, 2011



Timothy M. Kant, Mayor

Attest:



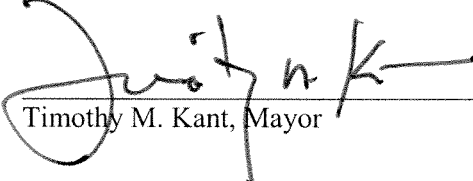
Lisa A. Hanks, MMC
City Clerk

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the City Treasurer and the Purchasing Manager to issue a RFP to banking institutions for refinancing of General Obligation Warrant 2002. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1825-11

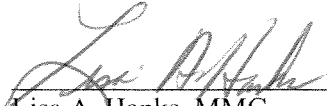
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Treasurer and the Purchasing Manager are authorized to issue a Request for Proposal (“RFP”) to banking institutions for refinancing of General Obligation Warrant 2002 in the approximate amount of \$4,225,000, for a term of ten years.

Adopted on this 8th day of August, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

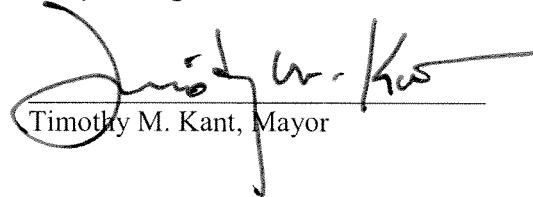
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Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the City Treasurer and the Purchasing Manager to issue a RFP to banking institutions for a Line of Credit for the General Fund. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

RESOLUTION NO. 1826-11


BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Treasurer and the Purchasing Manager are authorized to issue a Request for Proposal (“RFP”) to banking institutions for a Line of Credit for the General Fund in the amount of \$2,000,000, for street resurfacing, to be drawn down as needed for work completion, and converted to a permanent loan for a term of six years at the conclusion of the paving projects.

Adopted on this 8th day of August, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Kingrea moved for final adoption of Ordinance No.1452, an ordinance to amend Zoning Ordinance No. 1253, Article IV Site Design Standards, Section H. Tree Preservation. (Introduced at the July 25, 2011 City Council meeting) Seconded by Councilmember Quinn, motion passed for final adoption by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

Councilmember Quinn moved for final adoption of Ordinance No.1454, an ordinance to amend Zoning Ordinance No. 1253, Article III Zoning Districts, Section A. Purpose and Intent; 10. B-1 Local Shopping District. (Introduced at the July 25, 2011 City Council meeting) Seconded by Councilmember Stankoski, motion passed for final adoption by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

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 pending litigation. The approximate time to be in Executive Session is 15 minutes. Councilmember Kingrea moved to go into Executive Session. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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Exited the dais at 6:57 p.m. Returned at 7:11 p.m.

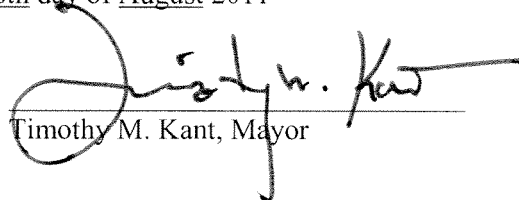
Councilmember Kingrea moved to address the following item **not** on the printed agenda. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to proceed with settlement agreement with the Green case. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

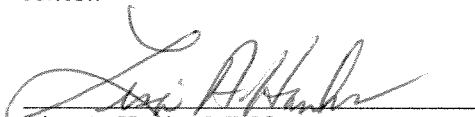
RESOLUTION NO. 1827-11

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to proceed with settlement with the Green case.


Adopted on this 8th day of August 2011



 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

There being no further business to come before the City Council, the meeting was duly adjourned at 7:14 p.m.


 Lonnie L. Mixon, Council President


 Lisa A. Hanks, MMC
 City Clerk