

**CITY OF FAIRHOPE  
CITY COUNCIL AGENDA**

**MONDAY, 11 APRIL 2011 - 6:00 P.M. - CITY COUNCIL CHAMBER**

**Invocation and Pledge of Allegiance**

1. Approve Minutes of 28 March 2011, Regular City Council Meeting, 28 March 2011 Work Session
  2. Optimist Oratorical Contest Winner – Monica Mitta
  3. Old Business
  4. Report of the Mayor
  5. Council Comments
- ADD ON** Motion to authorize the City of Fairhope to write a letter to the State House and Senate in opposition of HB 140/183.
- ADD ON** Resolution – Award Bid for the Fairhope Skate Park Plaza Upgrade at Volanta Avenue (Bid No. 016-11).
- ADD ON** Motion to recommend the appointment of Ray Clark to the Baldwin County Board of Equalization.
6. Public Participation
  7. Appointments – Museum Board – Lucile Fracus and Pete Bremer
  8. Request for promotion of three Public Works Department employees to fill vacant positions.
  9. Resolution – Authorizing Mayor Timothy M. Kant to execute a Contract for Professional Engineering Services for the City of Fairhope with CH2MHILL for Phase I Services with the total compensation not to exceed \$167,000.00.
  10. Resolution – Authorizing the City Council to appoint a Committee under the auspices of the Planning Commission to study and develop a plan for the development of Greeno Road.
  11. Resolution – Authorizing Mayor Timothy M. Kant to write a letter to the City of Foley in support of its stream restoration project and allow the City of Foley to use the City of Fairhope’s \$202,000.00 portion of the Special Appropriations Grant.
  12. Resolution – To purchase a Commercial Zero-Turn Radius Kubota Mower for the Recreation Department.
  13. Resolution – To purchase Lift Station Odor Control Chemicals for the Sewer Department.
  14. Resolution - Reject Bid No. 001-11 for Gym Floor Upgrade for the Recreation Department and allow the Mayor and City Administration to negotiate the purchase of the Gym Floor Upgrade.

15. Resolution – Award RFQ for Three Phase Pad Mount Transformers for the Electrical Department (RFQ No. 003-11).
16. Request – Eastern Shore Chamber of Commerce – Closure of streets, “no parking” signage and city personnel assistance for the 50<sup>th</sup> Annual Arts & Crafts Festival March 16, 17 & 18, 2012.
17. Request – Fairways fore Fairhope – waiver of golf fees during April 30, 2011 golf tournaments to benefit Fairhope Intermediate School.
18. Request – Celebration Church - Crawfish Boil at Volanta Stadium – use of stadium.
19. Request – Hoot Scoot – approval to block streets, serve alcohol on library campus and waiver of associated fees.
20. Approval of Franchise Agreement between the City of Fairhope and Wild Native, Inc. for use of Fairhope beach and pier for rental/tours with canoes, kayaks, pedal boats, as well as placement of a kiosk.
21. Ordinance – An Ordinance Amending Ordinance No. 1443 known as the City of Fairhope’s Noise Ordinance Article I. – Division I. In General. Section 12-4. Noise in Residential Districts.
22. Adjourn

**General Public Participation/Work Session  
will begin at 5:00 p.m. in Council Chambers.**

**Next Regular Meeting Monday, April 25, 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, 11 April 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 Reverend Tim Simmonds of Celebration Church, and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 28 March 2011, 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 28 March 2011, work session. He then stated if there are no corrections, the minutes stand approved as written.

Monica Mitta, the Optimist Oratorical Contest winner and a Fairhope High School student, addressed the City Council and gave her winning speech titled “If I were a Leader in the Free World, the first issue I would address would be...”:

Ladies and Gentlemen, if I were the leader of the free world, the first issue I would address would be education, which should be available to each and every person in this world. The importance of this topic cannot ever be emphasized enough, especially in the world that we live in today. But, why education, many would ask? Why not healthcare, poverty, or hunger—all issues that deal with directly saving a person's life? Well, I believe that a quality education will aid in solving all of the world's problems.

With a proper schooling, a person learns how to think, how to make good decisions, and even how to change. It teaches people what is right and what is wrong. It also develops the mind and the character of an individual. An education allows people equal opportunity and therefore, a more equal world. It is through an education that a person becomes able to receive knowledge and wisdom. It allows us to learn about the world around us—other cultures, countries, and ways of life which causes us to become open-minded, and perhaps more tolerant and accepting. An education solves many problems within a community.

So, it is easy to see that a proper schooling forms the base of a healthy society. It allows for all kinds of growth including economic, social, and political growth. History backs this idea up. Ancient Greeks were one of the first people to emphasize a strong education. From that society, the building blocks of democracy were established. In addition, take a good look at Greg Mortenson's work. He builds schools in Middle Eastern countries like Pakistan where war and unrest is present. He has proved that a good education will prevent people from joining militant groups whose actions have caused much destruction. Because education contributes to a person's morals and character, social progress becomes inevitable. And with social progress, civilization occurs. So, it is impossible for a country that provides poor or

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no education to advance in this world. Think about all the professions that require extensive schooling—doctors, scientists, lawyers, and engineers. How will a country be able to use and reap the benefits from these professions if an education is not provided?

I am not saying that we should stop trying to provide the basic necessities like medical aid and food for the impoverished. We should equally provide education so that they will be able to eventually provide for themselves. There is a saying, “Give a man a fish and he will eat for a day, teach a man to fish and he will eat for life.” This quote shows that we must teach people to become independent and self-sufficient, and this can only be achieved through knowledge.

Many of the current technologies and advancements can be implemented in the poorest societies, but would it do them any good? Without knowledgeable people to use this technology and to build on this technology, efforts to help would be futile. People need to stop and realize, humans have come this far in the world because they have the ability to think; they have the ability to learn; and perhaps most crucial, humans have the access to knowledge. Humans have used this knowledge to overcome primitive conditions. To deny or prolong implementing a strong system of education in every corner of the world is like denying people the quality of being human.

Although problems like healthcare, poverty, and hunger are prevalent conditions and immediate concerns in the world, if we focus on the secondary problem of the lack of education, we will create a completely self-reliant world in which people will be able to live their life to the fullest rather than trying to survive each day and depend on others. I ask today, ladies and gentlemen, can you possibly imagine what kind of world it would be if everyone was provided with a quality education? Thank you so much.

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

Councilmember Quinn moved to authorize the City of Fairhope to write a letter to the State House and Senate in opposition of HB 140/183. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Quinn moved to address the following item **not** on the printed agenda. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote. Council President asked if this would finalize the skate park. Councilmember Quinn replied yes.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution to award bid for the Fairhope Skate Park Plaza upgrade at Volanta Avenue (Bid No. 016-11). The motion was seconded by Councilmember Stankoski. Dan Ames, Purchasing Manager, explained the bid results and the recommended company based on bid specifications. Billy Michalopolous and Jared Glattli stated they had researched two of the companies and suggested the City use the second lowest bidder. Mayor Kant replied the lowest responsive bidder is the one we must accept unless we explain the reason for rejecting the bidder.

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Dan Ames said that he and Tom Kuhl, Parks and Recreation Director, questioned the bidder to the time limit and was told the company could meet the deadline. We must show cause and the reason for selecting the second bidder. Mayor Kant stated we do not have a reason to go to the next bidder. City Attorney Wynne commented he agreed with Mayor Kant and there is not a reason for rejecting the lowest responsive bidder. After further discussion, the motion passed unanimously by voice vote.

**RESOLUTION NO. 1766-11**

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

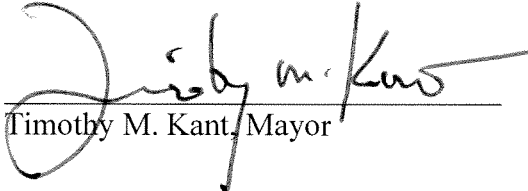
[1] That the City of Fairhope did request, receive, and open bids for the Fairhope Skate Park Plaza Upgrade at Volanta Avenue (Bid Number 016-11) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for  
Fairhope Skate Park Plaza Upgrade at Volanta Avenue

[3] After evaluating the bid proposals with the required bid specifications, Spohn Ranch, Inc., with the total bid proposal of \$19,750.00, is now awarded the bid for the Fairhope Skate Park Plaza Upgrade at Volanta Avenue.

Adopted on this 11th day of April, 2011

  
\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, City Clerk

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CITY OF FAIRHOPE  
 BID TABULATION AND RECOMMENDATION  
 BID NUMBER: 016-11  
 PROJECT NUMBER: PW-004-11  
 Bid Name: FAIRHOPE SKATE PARK UPGRADE  
 BID OPENED: 4-8-2011, 2:00p m.  
 NOTE: 5% SECURITY BOND

VENDOR	Non-Collusion Statement Signed / Notarized	Bid Proposal Executed / Signed / Notarized	Bid Bond Executed	Unit Price	Total Installed Price
<b>AMERICAN RAMP COMPANY</b>	YES	YES	YES		\$ 19,980.00
Concrete Skate Bench (x 2)				\$ 1,875.00	
China Bank				\$ 4,750.00	
Round Manual Pad (skittle pad)				\$ 5,750.00	
Square Grindrail				\$ 490.00	
Round Grindrail				\$ 490.00	
Hump Grindbox/Manual Pad (Dragon Back)				\$ 4,750.00	
<b>CASE CONSTRUCTION</b>	YES	YES	YES		\$ 36,900.00
Concrete Skate Bench				\$ 2,300.00	
China Bank				\$ 5,400.00	
Round Manual Pad (skittle pad)				\$ 6,500.00	
Square Grindrail				\$ 660.00	
Round Grindrail				\$ 660.00	
Hump Grindbox/Manual Pad (Dragon Back)				\$ 5,400.00	
<b>SPOHN RANCH, INC.</b>	YES	YES	YES		\$ 19,750.00
Concrete Skate Bench (x 2)				\$ 1,900.00	
China Bank				\$ 5,500.00	
Round Manual Pad (skittle pad)				\$ 4,350.00	
Square Grindrail				\$ 800.00	
Round Grindrail				\$ 500.00	
Hump Grindbox/Manual Pad (Dragon Back)				\$ 5,100.00	
<b>BAY SOUTH, LTD</b>					NO RESPONSE
Concrete Skate Bench (x 2)					
China Bank					
Round Manual Pad (skittle pad)					
Square Grindrail					
Round Grindrail					
Hump Grindbox/Manual Pad (Dragon Back)					
<b>HARDCORE SHOTCRETE SKATEPARKS, INC.</b>					NO RESPONSE
Concrete Skate Bench (x 2)					
China Bank					
Round Manual Pad (skittle pad)					
Square Grindrail					
Round Grindrail					
Hump Grindbox/Manual Pad (Dragon Back)					
<b>GRINDLINE SKATEPARKS, INC.</b>					NO RESPONSE
Concrete Skate Bench (x 2)					
China Bank					
Round Manual Pad (skittle pad)					
Square Grindrail					
Round Grindrail					
Hump Grindbox/Manual Pad (Dragon Back)					
<b>SEATING CONSTRUCTORS USA, INC.</b>					NO RESPONSE
Concrete Skate Bench (x 2)					
China Bank					
Round Manual Pad (skittle pad)					
Square Grindrail					
Round Grindrail					
Hump Grindbox/Manual Pad (Dragon Back)					
<b>SUMMIT INDUSTRIES, LLC</b>					NO RESPONSE
Concrete Skate Bench (x 2)					
China Bank					
Round Manual Pad (skittle pad)					
Square Grindrail					
Round Grindrail					
Hump Grindbox/Manual Pad (Dragon Back)					

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GILLIS CONSTRUCTION, INC						NO RESPONSE
Concrete Skate Bench (x 2)						
China Bank						
Round Manual Pad (skittle pad)						
Square Grindrail						
Round Grindrail						
Hump Grindbox/Manual Pad (Dragon Back)						
WOW PLAYGROUNDS						NO RESPONSE
Concrete Skate Bench (x 2)						
China Bank						
Round Manual Pad (skittle pad)						
Square Grindrail						
Round Grindrail						
Hump Grindbox/Manual Pad (Dragon Back)						
SPORT SUPPLY GROUP dba BSN Sports						NO RESPONSE
Concrete Skate Bench (x 2)						
China Bank						
Round Manual Pad (skittle pad)						
Square Grindrail						
Round Grindrail						
Hump Grindbox/Manual Pad (Dragon Back)						
<p><b>Recommendation: Award bid to Spohn Ranch, Inc., in the amount of \$19,750</b></p> <p><i>Tom Kohl</i> 4,11,11 Tom Kohl, Recreation Director</p> <p>To the best of my knowledge, this is an accurate bid tabulation</p> <p><i>Daniel P. Ames</i> 4,11,11 Daniel P. Ames, Purchasing Manager</p>						

Councilmember Stankoski commented that statements were made that the City had \$5.0 million in the bank. We are not flushed with cash. Last year we passed a Sales Tax, hiring freeze, and salary freeze. He also mentioned capital improvements and the existing debt. We halted funeral escorts which was unpopular. Just recently a city had to pay workers compensation to an off-duty officer who was working a funeral and was in an accident.

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Councilmember Ford stated the Chief brought his way of doing business. He needs to keep doing as he has been doing for off-duty officers. The subject of the Mardi Gras organization having to pay for floats was brought up which in the past the organization claims it has never had to pay. The City officials should listen to citizens and try to handle. Councilmember Ford said he received an e-mail from the Chief saying that Ford called him double-dipping and took offense to this accusation; and will not apologize for anything brought up.

Councilmember Kingrea asked for City Attorney Wynne to update the Council on the Nichols Deck issue. City Attorney Wynne stated that both sides had presented their briefs to Judge Wilters and now he must decide.

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

Councilmember Ford moved to recommend the appointment of Ray Clark to the Baldwin County Board of Equalization. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Councilmember Quinn said she wanted to thank Sherry Sullivan, Alex Robinson, Michael Stonehouse, and Josh Titford for all of their help with the Trails Conference. Everything went smoothly and these employees went over and beyond what they had to do.

The following individuals spoke during Public Participation:

1. Paul Ripp, 22985 High Ridge Road, addressed the City Council regarding two issues: look at Greeno Road and commercial zoning; and look at restoring Fly Creek which is being destroyed.
2. Joseph Norton, 123 Willow Lake Drive, addressed the City Council regarding the Noise Ordinance. He mentioned the decibel meters pick up every noise and sound. He moved here for the environment of Fairhope. How can the officer sift through and determine which sound is making the noise?
3. Steven Hazelwood, 11 North Station, addressed the City Council regarding the Noise Ordinance. He said there is a need for entertainment zoning and business zoned for this. We need to give the ordinance a chance before we make another one.
4. Cathy from the Fairhope Yacht Club addressed the City Council regarding the Noise Ordinance. She said it was premature to change the ordinance at this time. Laughter registers between 60 to 65 decibels and talking registers between 55 to 65 decibels.



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5. Michael Dorgan, 11826 Pioneer, Theodore, Alabama, addressed the City Council regarding the Noise Ordinance. Mr. Dorgan stated he comes to Fly Creek by boat and the only other places you are able to go by boat is LuLu's or on the Gulf. It is wrong to be re-evaluating this. He ran some searches regarding noise ordinances and 48 cities are dealing with this issue; 14 have adopted the same policy and 7 are at the drawing board. The City Council is looking at this for a few select individuals who complain about issue. You need to keep what you have at this time.

6. Tricia Niemeyer, owner of Fly Creek Café, addressed the City Council regarding the Noise Ordinance. Ms. Niemeyer said she was happy that some of the businesses decided to step up. We are pioneers for this noise ordinance. She mentioned testing the noise over the weekend and the meter registered in the 50s at the corner of the neighbor's house. We need to let it be and see what happens.

7. Rebecca Barry, Highway 181, addressed the City Council regarding the Noise Ordinance. Ms. Barry mentioned she was the Jazz teacher at Faulkner State and plays at Fly Creek, My Place, The Pub, and the Windmill. She also directs the chorus at Faulkner State. We have wonderful band students. Fairhope promotes music and music is an art. My art-form is playing jazz at Fly Creek.

8. Stephen Schoepflin, 505 Patlynn Drive, addressed the City Council regarding the Noise Ordinance. He said we must consider the future of Fairhope. If we shut down entertainment, it will hurt Fairhope.

9. Jan Sansom, 106 Sandy Shoal Loop, addressed the City Council regarding the Noise Ordinance. Ms. Sansom said if we change the ordinance it would hurt Fairhope. Ms. Sansom also said she like entertainment and asked that the City Council consider increasing the decibels.

10. Karin Wilson, President of Page & Palette, addressed the City Council regarding the Noise Ordinance. The City Council should be pro businesses and not hinder establishments. Ms. Wilson mentioned possibly expanding her business upstairs and playing music. People want entertainment, good shopping, and good food.

11. William Stitt, 3 San Souci, addressed the City Council regarding the Noise Ordinance. Mr. Stitt said he has been in the restaurant business for over 20 years. Live music is good business. He may be opening a business soon in Fairhope.

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12. Bill Fleming, 330 Lennox Square, addressed the City Council regarding the Noise Ordinance. He thanked the City Council for the ordinance that was passed. He mentioned that the amendment is for one one-hundredth of a percent of the population and the issue is with one location. What happens when they come back after this one is passed? He asked that the City Council give this ordinance a year to try it.

13. Joe Verhoestra, 812 Greeno Road, mentioned he was requesting quality of life where he lives.

14. Bill Lewis addressed the City Council regarding the development of Greeno Road. This is called the Greeno Road Corridor, but it is not. We are speaking about two blocks. We need to do what is good for Fairhope; and we are requesting to be treated as others have been treated along Greeno.

15. Barry Solemaker addressed the City Council regarding the development of Greeno Road. He mentioned the City of Trussville, north of Birmingham, is building a village. He said having a group of property owners in agreement is amazing.

16. Sharon Wright, White-Spinner & Associates, addressed the City Council regarding the development of Greeno Road on behalf of several property owners. We need something there the City could be proud of.

17. Debra Green, 415 Maple Street, addressed the City Council regarding the development of Greeno Road. She reiterated everything mentioned earlier in the Public Participation meeting. This issue began in 2007 and we tried to get property owners involved. We are only talking about two blocks.

18. Bobby Green, 415 Maple Street, addressed the City Council regarding the development of Greeno Road. He stated the City Council has heard enough.

19. Jim Horner, 117 Volanta Avenue, addressed the City Council regarding the Noise Ordinance. He said the City has been misrepresented by some others. Fly Creek Café has proven they will not adhere to noise ordinance. Friday, April 1, 2011 the noise ordinance was violated. We need to lower to 60 decibels to protect the health, welfare, and safety of the citizens.

20. JoAnn Broadus, 617 N. Mobile Street, addressed the City Council regarding the Noise Ordinance. Ms. Broadus mentioned she moved to Fairhope for quality of life. We need to protect the business community, art, and quality of life. 65 decibels is the level of babies crying, yelling, and the horns at the Fairhope Yacht Club. This is not offensive. Tourists come to Fairhope for art, music, and entertainment.

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21. Patricia Havard, 125 Volanta Avenue, addressed the City Council regarding the Noise Ordinance. Ms. Havard said this problem began two and one-half years ago. Prior to Fly Creek Café, other owners did not have this noise problem. Ms. invited everyone to her house to hear the noise. She recommended lowering to 65 decibels, no amplified sound, and use the corner of the property for the reading, not the house.

Councilmember Ford moved to appoint Lucile Fracus and Pete Bremer to the Fairhope Museum Board for a 3-year term. The term shall end May 2014. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

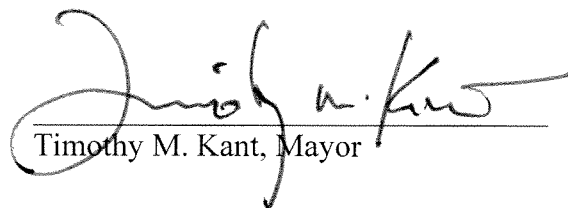
Councilmember Quinn moved to grant the request of Jennifer Fidler to promote three Public Works Department employees to fill vacant positions. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution to authorize Mayor Timothy M. Kant to execute a contract for Professional Engineering Services for the City of Fairhope with CH2MHILL for Phase I Services with the total compensation not to exceed \$167,000.00. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

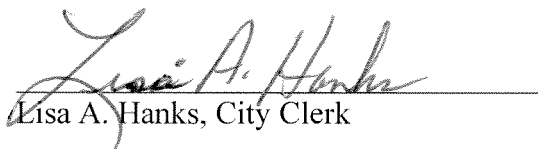
**RESOLUTION NO. 1767-11**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Timothy M. Kant is hereby authorized to execute a Contract for Professional Engineering Services for the City of Fairhope with CH2MHILL for Phase 1 Services as described in the Scope of Services (Phase I Tasks only) and the total compensation not to exceed \$167,000.00.

DULY ADOPTED THIS 11TH DAY OF APRIL, 2011

  
 Timothy M. Kant, Mayor

Attest:

  
 Lisa A. Hanks, City Clerk

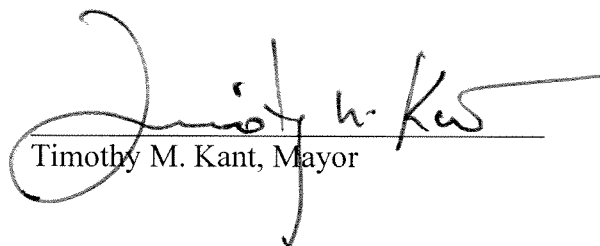
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Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the City Council to appoint a committee under the auspices of the Planning Commission to study and develop a plan for the development of Greeno Road. The motion was seconded by Councilmember Stankoski. Councilmember Kingrea stated the committee would be chaired by Dick Charles, would include at least one Councilmember, Ralph Thayer, and other concerned citizens. Council President Mixon suggested that there be two Councilmembers on the committee: Rick Kingrea and Debbie Quinn. Also, there should be two members from Greeno Road. Councilmember Kingrea requested that there be announcement put on the website for committee applications. After further discussion, the motion passed unanimously by voice vote.

**RESOLUTION NO. 1768-11**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council appoints a Committee under the auspices of the Planning Commission, to study and develop a plan for the development of Greeno Road (aka U. S. Highway 98) from Gayfer Avenue to County Road 104. The Committee will be chaired by Dick Charles; will include at least one Councilmember, Ralph Thayer, and other concerned citizens.

Adopted on this 11th day of April, 2011

  
 Timothy M. Kant, Mayor

Attest:

  
 Lisa A. Hanks, City Clerk

Mayor Kant recommended that Agenda Item No. 11, a resolution authorizing Mayor Kant to write a letter to the City of Foley in support of its stream restoration project and allow the City of Foley to use the City of Fairhope's \$202,000.00 portion of the Special Appropriations Grant, go back to staff and bring back a recommendation by the next City Council meeting. Councilmember Stankoski moved to layover Agenda Item No. 11 until the next City Council meeting. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase a Commercial Zero-Turn Radius Kubota Mower for the Recreation Department. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

**RESOLUTION NO. 1769-11**

**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 a Commercial Zero-Turn Radius Kubota Mower for the Recreation Department and the type of equipment needed is on the Alabama State Department of Purchasing bid list and therefore does not have to be let out for bid; and

[2] The following is the Alabama State Department of Purchasing contract information:

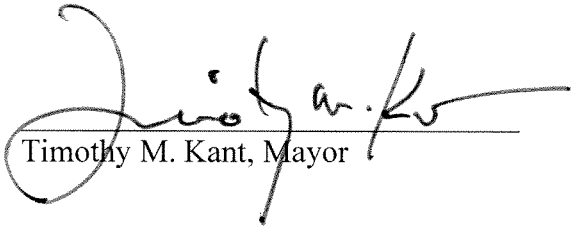
Bid Number: T225

Contract Number: 4010836

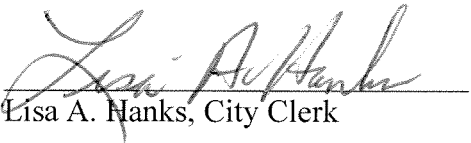
Commercial Zero-Turn Radius Kubota Mower

**Total Cost is \$12,706.80**

Adopted on this 11th day of April, 2011

  
Timothy M. Kant, Mayor

Attest:

  
Lisa A. Hanks, City Clerk

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase Lift Station Odor Control Chemicals for the Sewer Department. The motion was seconded by Councilmember Ford.

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Councilmember Stankoski left the dais at 7:23 p.m.

Dan Ames stated that references were called and the chemical bid by Siemens is being phased out. The evaluation was made by the Water & Sewer Superintendent and the overall cost effectiveness is not to accept the lowest bidder. After further discussion, the motion passed unanimously by voice vote; Councilmember Stankoski was not in the Chambers and did not vote.

**RESOLUTION NO. 1770-11**

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

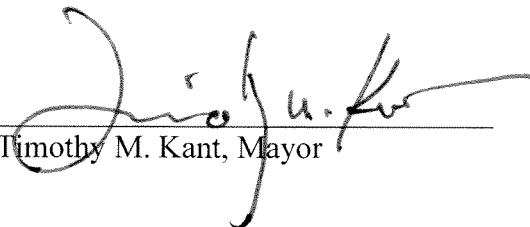
[1] That the City of Fairhope did request, receive, and open a rebid for Lift Station Odor Control Chemicals for the Sewer Department (Bid Number 010-11) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

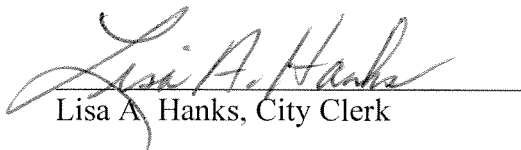
Please see attached Bid Tabulation for  
Lift Station Odor Control Chemicals for the Sewer Department

[3] After evaluating the bid proposals with the required bid specifications, Biomagic, Inc., with the total bid proposal of \$6.30 per metered gallon, approximately \$185,684.63 yearly, is now awarded the bid for Lift Station Odor Control Chemicals for the Sewer Department.

Adopted on this 11th day of April, 2011

  
\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, City Clerk

Councilmember Stankoski returned to the dais at 7:30 p.m.

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CITY OF FAIRHOPE  
 BID TABULATION & RECOMMENDATION  
 BID NO. 610-11  
 BID NAME: LIFT STATION ODOOR CONTROL CHEMICALS-REBID  
 BID OPENED: MARCH 11, 2011  
 Note: Bid Bond REQUIRED

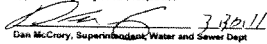
VENDOR	BID BOND SUBMITTED	Bid Proposal Executed / Signed / Notarized	COST PER METERED GALLON	DOLLARS PER SITE PER YEAR	ADDENDA NO. 1 & 2 SIGNED / RETURNED	ANNUAL TOTAL
<b>BIOMAGIC</b>						
Twin Beach #1 & #2 PS	YES	YES	\$6.30		YES	\$ 185,684.63
Carya Point PS			\$6.30	\$ 41,391.00		
Woodlands PS			\$6.30	\$ 5,323.63		
Quail Creek PS #1			\$6.30	\$ 27,594.00		
East of the Sun PS			\$6.30	\$ 27,594.00		
White Grove PS			\$6.30	\$ 16,096.50		
Thompson Hall PS			\$6.30	\$ 14,946.75		
Grand Hotel PS			\$6.30	\$ 22,995.00		
Baldwin 1 PS			\$6.30	\$ 17,246.25		
			\$6.30	\$ 11,497.50		
<b>FOG FREE TECHNOLOGIES</b>						
Twin Beach #1 & #2 PS						
Carya Point PS						
Woodlands PS						
Quail Creek PS #1						
East of the Sun PS						
White Grove PS						
Thompson Hall PS						
Grand Hotel PS						
Baldwin 1 PS						
<b>GE BETZ</b>						
Twin Beach #1 & #2 PS						
Carya Point PS						
Woodlands PS						
Quail Creek PS #1						
East of the Sun PS						
White Grove PS						
Thompson Hall PS						
Grand Hotel PS						
Baldwin 1 PS						

VENDOR	BID BOND SUBMITTED	Bid Proposal Executed / Signed / Notarized	COST PER METERED GALLON	DOLLARS PER SITE PER YEAR	ANNUAL TOTAL
<b>SIEMENS WATER TECHNOLOGIES CORP</b>					
Twin Beach #1 & #2 PS	YES	YES			\$ 184,193.60
Carya Point PS			\$ 3.04	\$ 46,822.40	
Woodlands PS			\$ 3.04	\$ 6,657.60	
Quail Creek PS #1			\$ 3.04	\$ 28,849.60	
East of the Sun PS			\$ 3.04	\$ 19,972.80	
White Grove PS			\$ 3.04	\$ 16,544.00	
Thompson Hall PS			\$ 3.04	\$ 6,857.60	
Grand Hotel PS			\$ 3.04	\$ 23,301.60	
Baldwin 1 PS			\$ 3.04	\$ 26,959.20	
			\$ 3.04	\$ 3,228.80	

\* See attached evaluation

Recommendation: Award bid to Biomagic, Inc. for their bid amount of \$6.30 / metered gallon, approximate yearly cost: \$185,684.63

To the best of my knowledge this is an accurate Bid Tabulation

 3/12/11  
 Dan McCrory, Superintendent, Water and Sewer Dept

 3/29/11  
 Daniel P. Ames, Purchasing Manager

11 April 2011

**COST EVALUATION OF VOLUMES OF BIDDERS PRODUCT  
NECESSARY TO ACHIEVE REQUIRED ODOR CONTROL RESULTS**

SITE	GALLONS PER YEAR		GALLONS PER DAY		Visit/Year	Visit/Year	Difference	Dif Gal used
	Siemens	BioMagic	Siemens	BioMagic	BioMagic *	Siemens*		
Twin Beech	16,060	6,570	44	18	14	34	20	9,490
Cayra Point	2,190	1,004	6	2.75	12	26	14	1,186
Woodlands	8,760	4,380	24	12	13	26	13	4,380
Quail Creek	6,570	4,380	18	12	13	20	7	2,190
East of The Sun	5,475	2,555	15	7	12	26	14	2,920
White Grove	2,190	2,373	6	6.5	12	12	0	-183
Thompson Hall	7,665	3,650	21	10	14	29	15	4,015
Grand Hotel	9,855	2,738	27	7.5	13	47	34	7,118
Baldwin One	1,095	1,825	3	5	12	12	0	-730
<b>TOTAL</b>	<b>59,860</b>	<b>29,474</b>	<b>164</b>	<b>80.75</b>	<b>115</b>	<b>232</b>		<b>30,386</b>

Increased number of site visits if you use Siemens product

117

\* Per Bid 12 Minimum Visits per year per site

Average site visits is 45 minutes

Increased Cost -- city employees time to assist with additional visits.

**\$1,752.27**

This is the additional cost to the city over and above the bid amount for using the Siemens product.

Total time per visit in hours

**0.75**

Cost of city equipment (truck)

**\$2,193.75**

Total additional cost

**\$3,946.02**

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution to reject Bid No. 001-11 for Gym Floor Upgrade for the Recreation Department and allow the Mayor and City Administration to negotiate the purchase of the Gym Floor Upgrade. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.



11 April 2011

**RESOLUTION NO. 1771-11**

**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 Gym Floor Upgrade for the Recreation Department (Bid Number 001-11) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

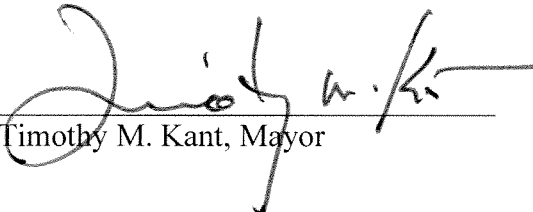
[2] At the appointed time and place, the following bids were opened and tabulated as follows:

Please see attached Bid Tabulation for Gym Floor Upgrade  
for the Recreation Department

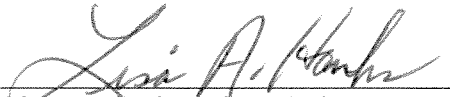
[3] After evaluating the bid proposals with the required bid specifications, only one valid bid was received and we request that all bids be rejected for Bid No. 001-11; and to allow the Mayor and City Administration to negotiate the purchase of the above describe Gym Floor Upgrade, pursuant to the Code of Alabama 1975, Section 39-2-6(b):

*If no bids or only one bid is received at the time stated in the advertisement for bids, the awarding authority may advertise for and seek other competitive bids, or the awarding authority may direct that the work shall be done by force account under its direction and control or, with the exception of the Department of Transportation, the awarding authority may negotiate for the work through receipt of informal bids not subject to the requirements of this section. Where only one responsible and responsive bid has been received, any negotiation for the work shall be for a price lower than that bid.*

Adopted on this 11th day of April, 2011

  
\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, City Clerk


11 April 2011

CITY OF FAIRHOPE  
 BID TABULATION & RECOMMENDATION  
 BID NO: 001-11  
 BID NAME: GYM FLOOR UPGRADE  
 BID OPENED: APRIL 1, 2011 2:00 PM  
 Note: 5% OF BID. No bond required on  
 less than \$10,000 bid

VENDOR	Bid Proposal Executed / Signed / Notarized	Addendum No. 1 signed/returned	Attended mandatory pre-bid meeting	Bid Price
COVINGTON FLOORING CO., INC.	YES	YES	YES	\$66,003.00
GLEEM'S CARPET ONE	no response		YES	
JAY HENLEY ATHLETICS SALES	no response		NO	
INC CONSTRUCTION, LLC	no response		NO	
FAIRHOPE FLOOR COVERING	no response		NO	
FITCO FITNESS CENTER OUTFITTERS	no response		NO	
FITNESS MASTER	no response		NO	
FITIZEN, LLC FITNESS PRO	no response		NO	
TS WALL AND SONS	no response		NO	
HILLIARD AND SONS, INC	no response		NO	
SANDERS HYLAND, INC	no response		NO	

RECOMMENDATION: reject all bids

  
 Tom Kuhl, Recreation Director 4/15/11

To the best of my knowledge this is an accurate Bid Tabulation  
  
 Daniel P. Ames, Purchasing Manager 4/15/11

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution to award RFQ for Three Phase Pad Mount Transformers for the Electrical Department (RFQ No. 003-11). Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

11 April 2011

**RESOLUTION NO. 1772-11**

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

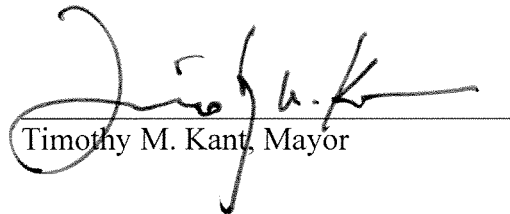
[1] That the City of Fairhope did request and receive RFQs for Three Phase Pad Mount Transformers for the Electric Department at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

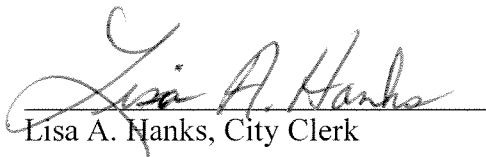
Please see attached RFQ Tabulation for  
Three Phase Pad Mount Transformers for the Electric Department

[3] After evaluating the RFQ proposal with the required specifications, Gresco Utility Supply, with the total RFQ proposal of approximately \$10,100.00 for two units, is now awarded RFQ No. 003-11 for Three Phase Pad Mount Transformers.

Adopted on this 11th day of April, 2011.

  
\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, City Clerk

11 April 2011

CITY OF FAIRHOPE  
RFQ TABULATION and Recommendation  
RFQ NUMBER: 003-11  
RFQ NAME: RFQ FOR THREE PHASE PAD MOUNT TRANSFORMERS  
DATE RFQ REVIEWED:

VENDOR	Proposal Executed / Signed / Notarized	Delivery ARO in weeks	SIGNED ADDENDUM	Manufacturer	Model	300 KVA EACH	300 KVA for 2 units	TOTAL OWNING COSTS
BETZ TRANSFORMERS								
GRAYBAR								
GRESKO UTILITY SUPPLY	YES	8 WKS	YES	ERMCO	300 KVA 3 Ph Pad		10,100.00	\$46,879.01
HD SUPPLY UTILITIES	YES	8 WKS	YES	Cooper Power Syst.	300 KVA Padmount	\$ 9,595.00	19190	\$56,207.83
INFRATECH CORP								
MAYER ELECTRIC TRANSFORMERS	YES	6-8 WKS	YES			\$ 14,000.00	\$28,000.00	
MOSES ELECTRIC								
POWER SUBSTATIONS								
REXEL, INC								
SOLOMON CORP								
STUART IRBY	NO	8-10 WKS	NO	ABB	300 KVA Liquid filled Pad Transformer, 300000VA	\$ 9,167.00		\$54,473.18
SUBSTATION SERVICE CO								
UTILICOR								
UTILITY POWER INC	YES	6-8 WKS	YES	Howard Indust		\$ 9,928.00	\$19,856	\$53,200.11
WESCO DISTRIBUTION INC	YES	4-4 WKS	YES	CG POWER	300 KVA FR 3	\$7,930	\$15,890.00	\$53,266.94

Recommendation: Award to Grasco Utility Supplies  
in the amount of \$10,100 per 2 units

*Scott Sligh*  
Scott Sligh, P.E., Superintendent

3/29/2011

To the best of my knowledge this is an accurate Bid Tabulation

*Daniel P. Ames*  
Daniel P. Ames, Purchasing Manager

3/29/11

Councilmember Quinn moved to grant the request of the Eastern Shore Chamber of Commerce requesting permission to close streets, "no parking" signage after 5:00 p.m. and the use of City personnel for the 50th Annual Arts & Crafts Festival to be held March 16, 17, and 18, 2012. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Kingrea moved to grant the request of Jodie Fidler and Gretchen Valentine requesting the City Council to waive golf fees during the April 30, 2011 Fairways for Fairhope Golf Tournament to benefit the Fairhope Intermediate School. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Councilmember Quinn moved to grant the request of the Celebration Church requesting permission to use the Fairhope Municipal Stadium for their Crawfish Bowl which will be held May 29, 2011. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Quinn moved to grant the request of the Fairhope Public Library Foundation requesting permission to block streets, serve alcohol on the library campus, and a waiver of associated fees with its annual "Hoot Scoot" which is scheduled for April 29, 2011. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

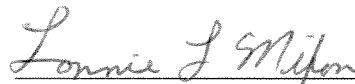
11 April 2011

Councilmember Quinn moved to layover Agenda Item No. 20 regarding the franchise agreement for Wild Native, Inc. until the next City Council meeting. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

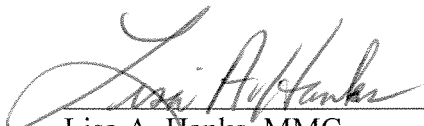
Councilmember Stankoski introduced in writing an Ordinance amending Ordinance No. 1443 known as the City of Fairhope's Noise Ordinance, Article I. Division I. In General Section 12-4. Noise in Residential Districts. Council President Mixon commented this ordinance would layover until the next City Council meeting. Councilmember Stankoski stated that he was not in favor of the 85 decibels and feels strong towards neighborhoods. He said "I have struggled with this situation for over two years trying to balance business and commercial rights with those of citizens living in nearby residences. After two years, I concluded there will be no winner or satisfied entity. I am not Solomon and am not infallible. However, if I do err in this situation, I will always want to err on the side of our neighborhoods and I am not anti-business." We need to move on with it and face it head on.

Councilmember Stankoski moved for immediate consideration. Councilmember Quinn commented she would like for the ordinance to layover until the next City Council meeting. She stated that in looking at other Cities she tried to find a City that has a mixed use downtown because whatever we do will affect the whole City; and Mobile which has mixed use, is not the answer. The City of Mobile does not have a noise ordinance for its downtown area, but they are looking at one. They hired engineers to do a noise assessment; and that way they could base their decibels on actual numbers and make an educated decision. Mayor Kant questioned how much the assessment cost. Councilmember Quinn replied they did two assessments which totaled around \$2,500.00. The motion for immediate consideration failed for lack of a second, this will lay over until the April 25, 2011 City Council meeting.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:42 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, MMC  
City Clerk