

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

MONDAY, 12 SEPTEMBER 2011 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve Minutes of 22 August, Regular City Council Meeting and minutes of 22 August 2011 Special Work Session meeting.
2. Old Business
3. Report of the Mayor
4. Council Comments
 Councilmember Stankoski – Library Maintenance Issues
5. City Administrator
6. Chief of Police Press: Introduce Rick Bradley as the Police Department Chaplin and Mounted Patrol.
7. Recommendation by City Treasurer for refunding of GOW 2002 and URW 2002, with additional borrowing of \$8.6 million for water and waste water systems improvements.
8. Resolution – That the City of Fairhope has voted to purchase Public Awareness Mail-Outs (“Call Before you Dig”). The cost will be approximately \$9,059.48.
9. Resolution – That the City of Fairhope has voted to purchase eight (8) sets of Taser equipment and accessories; and the cost will be approximately \$8,946.70.
10. Resolution – Appointing Lorenzo Howard as Human Resource Specialist to conduct an assessment of the recent complaints, allegations, counter allegations, and potential dangerous situations that were recently made to the Mayor by police department personnel.
11. Resolution – Placing an immediate moratorium on hiring of all new and replacement hires for all City positions; and that hereafter, all positions, new and replacements, only be filled upon approval of the City Council.
12. Resolution – that the City Council approves the list presented as the final list of roadways for the Fairhope Repaving Projects for 2011 (PW002-11); and that Mayor Timothy M. Kant is hereby authorized to execute a Contract for The Fairhope Repaving Projects for 2011 (PW-002-11) with Mobile Asphalt, with an estimated cost of \$1,342,136.20.
13. Resolution - Authorizing the Fairhope Police Department to execute the proper paperwork to transfer equipment to Coffee County Sheriff’s Office: Two Jet Skis and Trailer.

14. Resolution – Authorizing Mayor Timothy M. Kant to execute an extension of the Rental Agreement between the City of Fairhope and Cintas Uniforms for Fire Retardant Uniforms for the Electric Department.
15. Resolution – Authorizing Mayor Timothy M. Kant to execute an extension of the contract between the City of Fairhope and Industrial Chemicals, Inc. for Hydroflourosilicic Acid for the Water Department.
16. Resolution – To purchase twenty one thousand (21,000) feet of P.E. 2406 SDR11 gas pipe for the Gas Department.
17. Resolution – Award bid for Heavy Duty Commercial Grade Miniature Christmas Lights for the Electric Department to Fred’s (Bid No. 034-11).
18. Resolution – Authorizing City Attorney Marion E. Wynne, Jr. to send a letter to the Attorney General requesting an opinion regarding Alabama Code Section 11-43-160(a)(2).
19. Ordinance - An Ordinance to Amend Ordinance No. 1379, Section 2-1. Appointment of City Officers; City Council as Appointing Authority, Fairhope Code of Ordinances.
20. Request – Fairhope Yacht Club – Requesting permission to use the parking lot at the City Pool for the Dauphin Island Race, which will be held on April 27, 28, and 29, 2012, and requesting for barricades, bleachers, stage, and a variance in the sound ordinance to accommodate a large party to be held at the club on Friday night April 27th from 3:00 p.m. until 11:00 p.m.
21. Request – Karin Wilson, Good Life Foundation – Requesting permission to extend the street closure for the Annual Grand Festival of Art to Johnson Street for the use of the Book Festival. The event is scheduled for Saturday, October 8, 2011 and Sunday, October 9, 2011.
22. Request – Karin Wilson, Good Life Foundation – Requesting permission to close De La Mare Street for the Author event with Condoleeza Rice on November 10, 2011 from 10:00 a.m. to 2:00 p.m.
23. Adjourn

**City Council Public Participation will be held
at 5:00 pm. on Monday September 12, 2011**

Next Regular Meeting Monday, September 26, 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, 12 September 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 Lieutenant Colonel Rick Bradley and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 22 August 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 22 August 2011, special work session. He then stated if there are no corrections, the minutes stand approved as written.

Mayor Kant addressed the City Council with the following items:

- 1) Coastal Clean-up will be Saturday from 8:00 a.m. until 12:00 p.m.
- 2) Mediacom dispute is being looked into regarding channels being dropped. He mentioned a 90-day notice should have been given according to the franchise agreement.

Councilmember Quinn addressed the City Council with the following items:

- 1) Walk Your Child to School and grant for sidewalk was mentioned and the need to notify Patlynn Subdivision and Volanta residents.
- 2) National League of Cities and Small Business Administration was discussed. Dr. Winslow Sargeant, Chief Counsel of the Office of Advocacy, and Mark Berson, our regional SBA advocate, have agreed to speak to the merchants in the Fairhope area on October 27, 2011 at 8:30 a.m. Councilmember Quinn mentioned she would be working with the City staff, merchants, Chamber of Commerce, Compass Bank SBA lender, and SCORE member Glenn Boom to create an open conversation on retention and growth of small business.

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Councilmember Stankoski addressed the City Council with the following items:

- 1) The 911 program yesterday at the Municipal Pier was a great program and Sherry Sullivan's hard work showed.
- 2) Library maintenance issue was mentioned and the need for a maintenance contract for the building or possibly hiring someone for HVAC for the City. He briefly gave a history of the number of maintenance/service calls that have been made since June of 2007 up to the present.

Mayor Kant stated that we are having an energy audit as we speak and waiting on recommendations.

Councilmember Kingrea addressed the City Council regarding the Old Theatre that burned down; repairs began, and then stopped. He asked for a status on this project. Mayor Kant replied he had met with two of the owners and they were waiting on engineering plans. The Fairhope High School has been contacted for preparing art on plywood to put up through the Christmas holidays.

City Administrator Gregg Mims addressed the City Council regarding the Chief Water Operator for the City of Fairhope is retiring and this is a crucial position which needs to be filled immediately. He requested that the City Council approve this position along with Agenda Item Number 11 which is placing a moratorium on hiring.

Public Participation:

- 1) Tracy Hirsh, 7231 Forest Park, addressed the City Council regarding Agenda Item Number 20, request for the Fairhope Yacht Club. She mentioned the Skipper's meeting which will be April 27, 2012 and the need for a variance of the Noise Ordinance. This event is held every four years in the City of Fairhope.

Chief of Police Bill Press addressed the City Council and introduced Lieutenant Colonel Rick Bradley, USMC retired, as the Chaplain for the City of Fairhope Police Department. Lt. Colonel Bradley will run our Chaplain program to assist Officers and victims of crimes. He was in the United States Navy and served as Chaplain and then went into the United States Marine Corps.

Councilmember Quinn moved to approve the recommendation by City Treasurer Nancy Wilson for refunding of General Obligation Warrants "GOW" 2002 with financing provided by BBVA Compass Bank. Chuck Zunk, Chairman of the Financial Advisory Committee, concurred with the recommendation. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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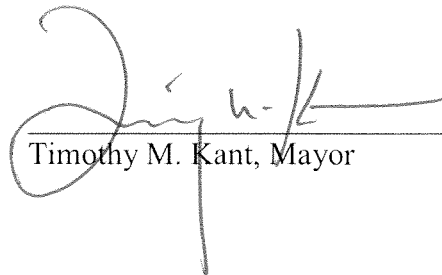
Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has voted to purchase Public Awareness Mail-Outs (“Call Before you Dig”); and add that Mayor Kant would bring back amount necessary to advertise with WABF at the same time. The motion was seconded by Councilmember Stankoski. The request from WABF for advertisement locally was discussed. Sherry Sullivan replied that the City is governed by the Public Service Commission and we are required to notify anybody within six hundred feet of our gas lines to “Call before you dig” and public safety. You can’t do a stand-alone advertisement because there is no way to verify as we do with mail-outs. Ms. Sullivan and Mayor Kant are to meet with Lori Dubose at WABF regarding locally advertising “Call before you dig” on the radio. Councilmember Quinn withdrew her motion to amend the resolution to add the request of WABF. After further discussion, Council President Mixon stated we have the original motion and a second for the resolution as presented, motion passed unanimously by voice vote.

RESOLUTION NO. 1831-11

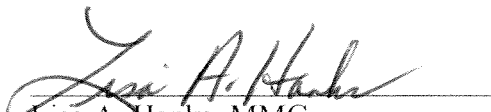
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That the City of Fairhope has voted to purchase Public Awareness Mail-Outs (“Call Before you Dig”). The cost will be approximately \$9,059.48.

Adopted on this 12th day of September, 2011


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

12 September 2011

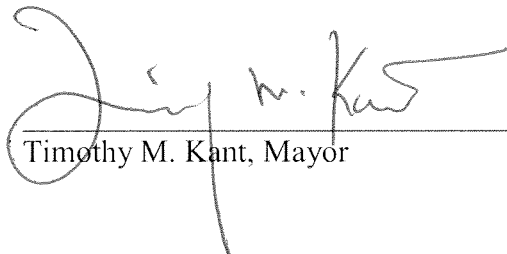
Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has voted to purchase eight (8) sets of Taser equipment and accessories. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1832-11

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

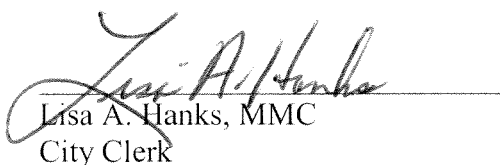
[1] That the City of Fairhope has voted to purchase eight (8) sets of Taser equipment and accessories and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13) contracts for which competitive bidding not required and purchase the Taser equipment. The cost will be approximately \$8,946.70.

Adopted on this 12th day of September, 2011



Timothy M. Kant, Mayor

Attest:



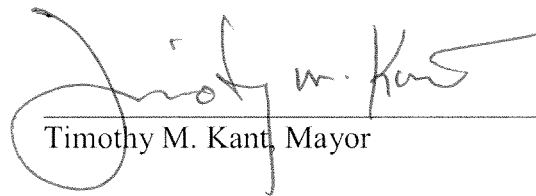
Lisa A. Hanks, MMC
City Clerk

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution appointing Lorenzo Howard as Human Resources Specialist to conduct an assessment of the recent complaints, allegations, counter allegations, and potential dangerous situations that were recently made to the Mayor by Police Department personnel. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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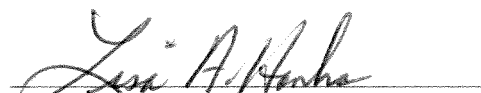
RESOLUTION NO. 1833-11

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Lorenzo Howard is appointed as Human Resource Specialist to conduct an assessment of the recent complaints, allegations, counter allegations, and potential dangerous situations that were recently made to the Mayor by Police Department personnel; and will report his findings to the City Council and the Mayor.

Adopted on this 12th day of September, 2011

Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution placing a moratorium on hiring of all new and replacement hires for all City positions; and that hereafter, all positions, new and replacements, only be filled upon approval of the City Council. The motion was seconded by Councilmember Stankoski. Councilmember Quinn stated as long as it is amended to allow filling the position of the Chief Water Operator. Councilmember Ford questioned the wording “only be filled upon approval of the City Council” and contradicting the Supreme Court ruling. Councilmember Kingrea replied that we are only approving the position and salary range. After further discussion, motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – Ford.

12 September 2011

RESOLUTION NO. 1834-11

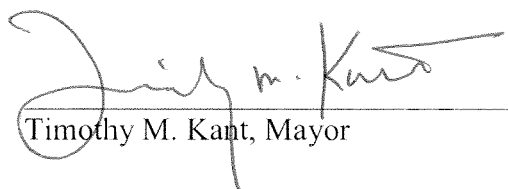
WHEREAS, the Compensation & Job Classification Study currently being conducted by Evergreen Solutions, LLC will provide a thorough job description of all existing positions and recommended pay scales for these position; and

WHEREAS, this will allow for fair and appropriate City hiring practices; and

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that an immediate moratorium be placed on hiring of all new and replacement hires for all City positions; and

BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that hereafter, all positions, new and replacements, only be filled upon approval of the City Council.

Adopted on this 12th day of September, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Kingrea moved to layover Agenda Item Number 12, the Resolution that the City Council approves the list presented as the final list of roadways for the Fairhope Repaving Projects for 2011 (PW002-11); and that Mayor Kant is hereby authorized to execute a Contract for the Fairhope Repaving Projects with Mobile Asphalt, with an estimated cost of \$1,342,136.20; and asked Mayor Kant to add the streets which were recommended for paving and bring back the estimated cost with the additions. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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Mayor Kant was asked to look at Complete Streets for the Repaving Projects and for main streets or test streets; then bring back proposal. Micah Jones from Thompson Engineering mentioned they did look at Morphy Avenue, from Thompson Hall to Greeno, and it turned out that this was not going to be safe. He gave them a suggestion that would work, but it was a widening project not a paving project.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the Fairhope Police Department to execute the proper paperwork to transfer equipment to Coffee County Sheriff's Office: two jet skis and trailer. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

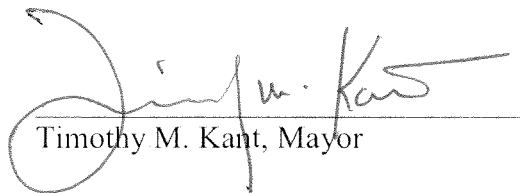
RESOLUTION NO. 1835-11

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that the City of Fairhope Police Department is hereby authorized to execute the proper paperwork to transfer the following equipment to the Coffee County Sheriff's Office:

- 1 Kawasaki STX 900 Jet Ski SN:KAW81240D101
- 1 Kawasaki STX 900 Jet Ski SN:KAW81239D101
- 1 Jet Ski Trailer

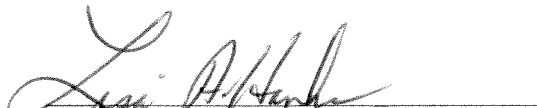
These items were received through the 1033 Program which restricts transferring received equipment to another agency for a one-year period. The City of Fairhope Police Department has kept this equipment longer than the required restriction period.

Adopted and approved this 12th day of September, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

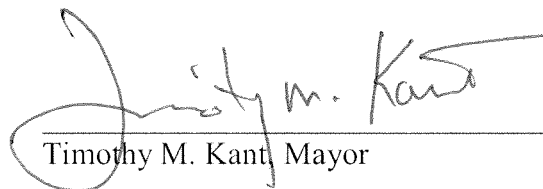
12 September 2011

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an extension of the Rental Agreement between the City of Fairhope and Cintas Uniforms for Fire Retardant Uniforms for the Electric Department. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 1836-11

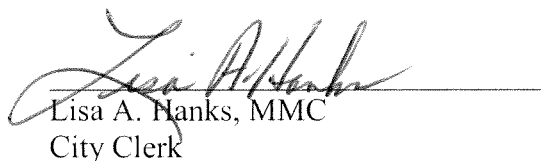
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Kant is hereby authorized to execute an extension of the Rental Agreement between the City of Fairhope and Cintas Uniforms for Fire Retardant Uniforms for an additional one year as per the terms and conditions of the original awarded bid. The cost of the uniforms will be \$18.76 per participating employee per week.

Adopted on this 12th day of September, 2011



Timothy M. Kant Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

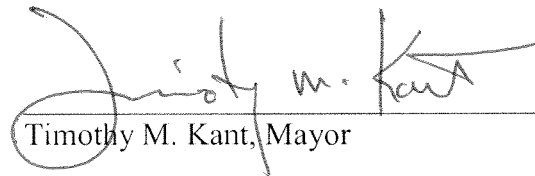
Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an extension of the Rental Agreement between the City of Fairhope and Industrial Chemicals, Inc. for Hydrofluorosilicic acid for the Water Department. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

12 September 2011

RESOLUTION NO. 1837-11

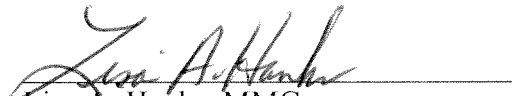
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Kant is hereby authorized to execute an extension of the contract between the City of Fairhope and Industrial Chemicals, Inc. for Hydroflourosilicic Acid for an additional one year as per the terms and conditions of the original awarded bid. The cost of the Hydrofluorosilicic Acid will be \$364.38 for a 55 gallon drum.

Adopted on this 12th day of September, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase twenty one thousand (21,000) feet of P.E. 2406, SDR11 gas pipe, in rolls for the Gas Department. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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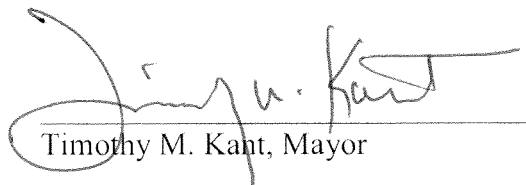
12 September 2011

RESOLUTION NO. 1838-11

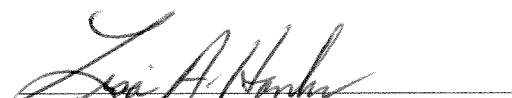
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That the City of Fairhope has voted to purchase twenty one thousand (21,000) feet of P.E. 2406, SDR11 gas pipe, in rolls for the Gas Department and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7) to obtain informal quotes and purchase twenty one thousand (21,000) feet of pipe. The cost will be approximately \$16,380.00.

Adopted on this 12th day of September, 2011


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 to award bid for Heavy Duty Commercial Grade Miniature Christmas Lights for the Electric Department (Bid No. 034-11). Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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12 September 2011

RESOLUTION NO. 1839-11

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

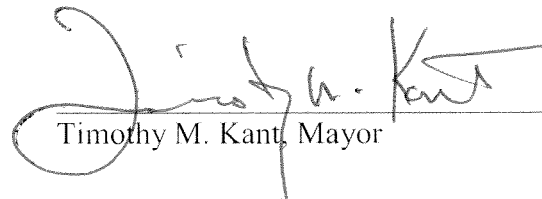
[1] That the City of Fairhope did request, receive, and open bids for Heavy Duty Commercial Grade Miniature Christmas Light for the Electric Department (Bid Number 034-11) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for a
Heavy Duty Commercial Grade Miniature Christmas Light
for the Electric Department

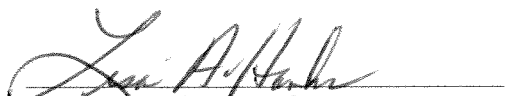
[3] After evaluating the bid proposals with the required bid specifications, Fred's, with the total bid proposal of approximately \$21,000, is now awarded the bid for a Heavy Duty Commercial Grade Miniature Christmas Light for the Electric Department.

Adopted on this 12th day of September, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

12 September 2011

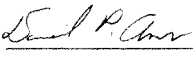
CITY OF FAIRHOPE
 BID TABULATION AND RECOMMENDATION
 BID NO: 034-11
 BID NAME: HEAVY DUTY COMMERCIAL GRADE MINI CHRISTMAS LIGHTS 2011
 BID OPENED: 30-Aug-11
 Note: Bid Bond waived.

VENDOR	Collusion Statement Signed / Bid Proposal Executed / Signed /	Delivery lead time ARO	Instructions /Specification Compliance	Manufacturer	Model	Bid Price per Unit	Bid Price per Unit
Freds	YES	15 days	YES	Joyful Tradition	ESD150	n/a	\$3.00 per 150 ft.
Display Sales	YES	14 days	NO	China	MLV105GCLR	\$10.40 per 46 ft	n/a
Dixie Decorations	YES	21 days	YES	Litesource	6-MAX-100-CLRG	\$10.25per 47 ft	
					6-MAX-150-CLRG		\$13.50 per 71 ft
					COM-100-CLRG		\$13.50 per 71 ft

Recommendation: Award bid to Freds, in the amount of \$ 3.00 per 150ft strand.

 8/31/2011

To the best of my knowledge this is an accurate tabulation.

 8/31/11

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing City Attorney Marion E. Wynne, Jr. to send a letter to the Attorney General requesting an opinion regarding Alabama Code Section 11-43-160(a)(2). Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

12 September 2011

RESOLUTION NO. 1840-11

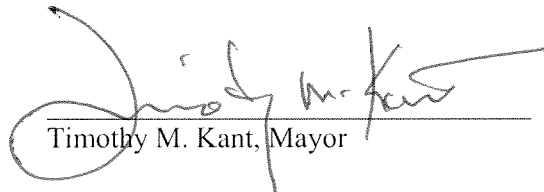
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that City Attorney Marion E. Wynne, Jr. is authorized to send a letter to the Attorney General of the State of Alabama requesting the Attorney General's opinion regarding Alabama law on the following questions:

1. What does the following phrase in Alabama Code Section 11-43-160 (a)(2) mean: "any person in the several departments?"
 - (a) Does it mean only any "officer" or does it mean any "employee?"

2. What does the word "officer" mean in Alabama Code Section 11-43-1 et seq.?
 - (a) Does it mean only those city employees defined in Alabama Code Sections 11-43-3 and 11-43-5?

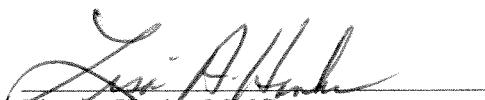
Please note that the phrase "such person" in Alabama Code Section 11-43-160(a)(2) was amended by Act No. 2009-402 by deletion of the word "such."

Adopted this 12th day of September, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Quinn introduced in writing an Ordinance to Amend Ordinance No. 1379, Section 2-1. Appointment of City Officers; City Council as Appointing Authority, Fairhope Code of Ordinances. In order to take immediate action, Councilmember Quinn moved for immediate consideration. Councilmember Stankoski seconded the motion for immediate consideration, motion failed for lack of a unanimous vote. This ordinance will layover for final adoption at the next regular City Council meeting.

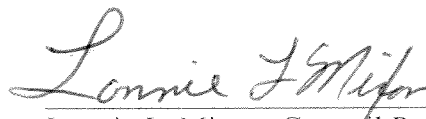
12 September 2011

Councilmember Quinn moved to grant the request of The Fairhope Yacht Club requesting permission to use the parking lot at the City Pool for the Dauphin Island Race, which will be held on April 27, 28, and 29, 2012, and requesting for barricades, bleachers, stage, and a variance in the sound ordinance to accommodate a large party to be held at the club on Friday night April 27th from 3:00 p.m. until 11:00 p.m. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Kingrea moved to grant the request of Karin Wilson with Good Life Foundation requesting permission to extend the street closure for the Annual Grand Festival of Art to Johnson Street for the use of the Book Festival. The event is scheduled for Saturday, October 8, 2011 and Sunday, October 9, 2011. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Ford moved to grant the request of Karin Wilson with Good Life Foundation requesting permission to close De La Mare Street for the Author event with Condoleezza Rice on November 10, 2011 and November 11, 2011 from 10:00 a.m. to 2:00 p.m. The motion was seconded by Councilmember Kingrea. There was a question regarding the event being for two days which is only scheduled for the November 10, 2011. Councilmember Kingrea moved to amend the motion to read "on November 10, 2011 from 10:00 a.m. to 2:00 p.m." Seconded by Councilmember Ford, motion passed unanimously by voice vote as amended.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:49 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, MMC
City Clerk