

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

MONDAY, 13 JUNE 2011 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve Minutes of 23 May 2011, Regular City Council Meeting and minutes of the 23 May 2011 Work Session.
2. Old Business
3. Report of the Mayor
4. Council Comments
5. City Administrator
6. Public Participation
7. **Public Hearing**
Application for Lounge Liquor License by Jeffrey C. Dubois, DD2, L.L.C. d/b/a Double Deuce 2, located at 9115 A & B Highway 98, Fairhope, Alabama.
8. Resolution – Encouraging the Legislature of the State of Alabama to designate U. S. Highway 98 from U. S. Highway 31 to Barnwell in Baldwin County as “Via Bellator” (“Warrior Way”).
9. Resolution – Stating that the City Council hereby considers and approves Option B for the Public Works Department which is to purchase three new chassis and refurbish three garbage bodies.
10. Resolution – Authorizing Mayor Timothy M. Kant to execute a Contract for Professional Consulting Services with Evergreen Solutions, LLC for Compensation and Job Classification Study with the total cost not to exceed \$40,000.00.
11. Resolution – Award bid to Gulf City Body & Trailer Works, Inc. for Backhoe Trailer for the Water Department.
12. Ordinance – Salaries of Mayor, Council President and Councilmembers.
13. Application for a Restaurant Liquor License by Christy C. Guy, Avanti Ristorante, Inc. d/b/a Avanti Ristorante and Bar, located at 18 Laurel Avenue, Fairhope, Alabama.
14. Adjourn

Next Regular Meeting Thursday, June 30, 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, 13 June 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 William Parsons, Pastor of Redeemer Lutheran Church and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 23 May 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 23 May 2011, work session. He then stated if there are no corrections, the minutes stand approved as written.

Councilmember Stankoski recused himself from Agenda Item Number 7.

Councilmember Kingrea addressed the City Council and gave a “Shout Out” to Scott Sligh and the Electric Department. Councilmember Kingrea read the following letter and requested it be entered into the minutes:

*

*

*

*

13 June 2011

OFFICE OF THE MAYOR
GUNTERSVILLE, ALABAMA
ROBERT L. HEMBREE, JR., MAYOR

June 1, 2011

Mr. Scott Sligh
Superintendent
City of Fairhope Utilities
P.O. Drawer 429
Fairhope, Alabama 36533

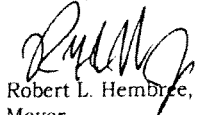
Dear Scott,

I would like to take this opportunity, on behalf of the City Council and the citizens of the City of Guntersville, to thank you for all your help during our April 27th tornado disaster.

We appreciate your concern and expertise in helping us restore power to over 8,500 citizens. We appreciate your visits and everything you did to help us during this disaster. Please pass along our sincere thanks to your employees who worked so hard to help us. We are continuing to work hard to clean up and get things back to normal.

Please know that we will always be grateful for everything and please call on us if we can be of help to you in any way.

Sincerely,



Robert L. Hembree, Jr.
Mayor



13 June 2011

Councilmember Kingrea mentioned the Nichols Street Deck and hopefully it will be resolved in the near future. He also mentioned the Tree Ordinance and asked about the policy being developed regarding cutting trees; American Legion and Art Center.

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

- 1) Check from Guntersville received for salaries, equipment, and cash advances for employees who helped.
- 2) Open bids for AS-400 replacement and for City-wide radio system.
- 3) School Board and how they would handle leasing of property – have not heard anything as of today.
- 4) City Code requires street addresses on front of buildings with 3” letters; get the word out to the public.

Councilmember Quinn mentioned the alternative school; the Rotary Youth Club has come to an agreement with the Board of Education to temporarily use the school for the summer school project. Then, hopefully they can make this a permanent lease.

Public Participation: Susan Pearce, 20 Echo Lane, addressed the City Council on the Ordinance regarding the Salaries of Mayor, Council President, and Councilmembers. Ms. Pearce said she was not happy to be here tonight. This proposal to reduce the Mayor’s salary by half comes at the same time the Supreme Court has ruled that the Mayor has primary responsibility of employee supervision is just the latest example that somewhere along the line the Council has lost its way. She mentioned the salaries that were published in the newspaper regarding all elected officials and the City Administrator. In closing, Ms. Pearce asked the Council would you consider cutting the City Administrator’s salary in half instead of the Mayor’s since the power to run the City is being given back to the Mayor; and would you consider putting on the ballot in 2012 the choice of which form of government the citizens would like to have in Fairhope.

A Public Hearing was held as advertised on the request for a Lounge License by Jeffrey C. Dubois, DD2, L.L.C., d/b/a Double Deuce 2, located at 9115 A & B Highway 98, Fairhope, Alabama. The public hearing was opened at 6:19 p.m.

- 1) Anthony Lockhart, manager of the lounge, addressed the City Council and stated he had worked for Dubois for three years and has known Dubois for 15 years. He spoke in favor of allowing the liquor license for Dubois.
- 2) Sandy Mitchell addressed the City Council and stated he has known Dubois between seven to eight years. Mr. Mitchell is also in a bails bond business with Dubois. He spoke in favor of allowing the liquor license for Dubois.

13 June 2011

3) Wesley Foley addressed the City Council and stated he has known Dubois for approximately seven years. If there are any problems, Dubois calls the law. He spoke in favor of allowing the liquor license for Dubois.

4) Robert Stankoski, attorney for Jeffrey Dubois, addressed the City Council regarding the Lounge Liquor License requested by Mr. Dubois. He originally applied for license in 2001 as PPS, Inc. In 2005, Dubois was involved in a lawsuit which took several years to untangle. In 2007, Dubois surrendered his license for The Barn a/k/a Club 98. The business was dissolved. Mr. Stankoski produced a recommendation from the ABC Board for the license to Dubois. Mr. Stankoski asked the Council to take into history that from February 2009 to the present, twenty-nine establishments have applied to the City Council for licenses and all have been granted. He asked that the Council treat Mr. Dubois' license as equally and fairly as other establishments.

The public hearing closed at 6:26 p.m.

Councilmember Ford moved to approve the issuance of the license. The motion was seconded by Councilmember Quinn. Councilmember Kingrea asked Chief Press why he marked the application "not approved."

Chief Press replied this is the first one he has not approved and it was based directly from calls for service and historical background, not only on the establishment but other criteria as well. This is not the forum to go into specifics on reputation and other information. It was recommended to me by almost all of the police officers who knew of this application, so we did some research on it and based my decision on the results.

Councilmember Quinn asked if most of the complaints were while he and partner had the establishment or after the separation. Chief Press replied some were burglar alarms as well as other calls. Councilmember Kingrea stated he had a lot of problems without having specifics to make a decision. Chief Press said my recommendation is based on the history of an individual who is applying for the license and any historical data on that establishment; and without speaking with City Attorney Wynne on this issue I will have to withhold. City Attorney Wynne mentioned that discussing the good name and character of a person can be heard in an executive session. Councilmember Kingrea said he would like more information before voting on this issue whether or not it is in an executive session or in the public.

Mr. Stankoski questioned the City Council going into executive session and if this had to be appealed to the Circuit Court would not have a record of this session. City Attorney Wynne replied the executive session would be private, but if the license had to go before the Appeals Court and court order for disclosure would force the information to be disclosed for the hearing.

13 June 2011

Councilmember Ford stated he would leave the original motion on the floor for a vote. Councilmember Quinn withdrew her second to the motion. Council President Mixon asked if there was a second to the original motion, motion failed for lack of a second.

Councilmember Kingrea moved to layover the request for a Lounge Liquor License for Jeffrey Dubois until the next City Council meeting. Seconded by Councilmember Quinn, motion passed unanimously by voice vote. Councilmember Stankoski did not vote since he previously recused himself.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution encouraging the Legislature of the State of Alabama to designate U. S. Highway 98 from U. S. Highway 31 to Barnwell in Baldwin County as "Via Bellator" ("Warrior Way"). Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1795-11

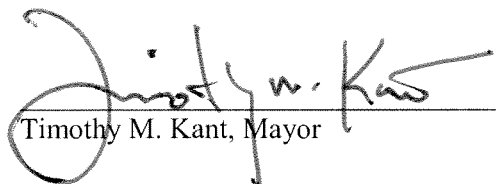
WHEREAS, veterans of Baldwin County have been instrumental to the preservation of the freedom, security and prosperity enjoyed by the people of the United States; and

WHEREAS, the City of Fairhope would like to raise awareness and respect for the heritage of veterans of Baldwin County who have served the American people and sacrificed throughout the history of the nation; and

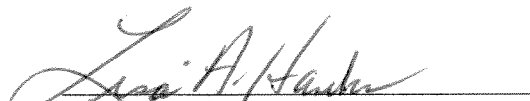
WHEREAS, the City of Fairhope encourages the Legislature of the State of Alabama to pay tribute to those who have served in the armed forces, and to say "Welcome Back" to those soldiers returning to the Eastern Shore.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, to encourage the Legislature of the State of Alabama to designate U.S. Highway 98 from U.S. Highway 31 to Barnwell in Baldwin County, Alabama "Via Bellator" ("Warrior Way").

ADOPTED AND APPROVED this 13th day of June, 2011


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

13 June 2011

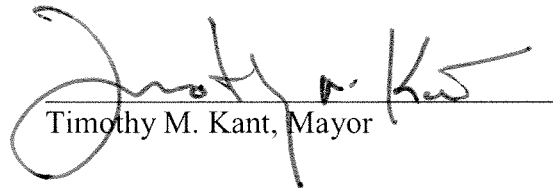
Barry Boothe introduced the Honor Flight members who were in the audience and also stated there was a special guest present tonight. He asked for Patsy Pryor to stand and be recognized; she is the official representative for U. S. Airways and has helped with Honor Flight since it began. Council President Mixon thanked Dr. Boothe for all he has done with the Honor Flight program.

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution stating that the City Council hereby considers and approves Option B for the Public Works Department which is to purchase three new chassis and refurbish three garbage bodies. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 1796-11

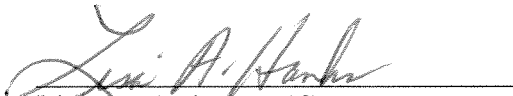
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby considers and approves Option B for the Public Works Department which is to purchase three new chassis and refurbish three garbage bodies and will give future consideration to Option D which a Phased Approach with Option B & C. Both of these were discussed and recommended by the Fairhope Advisory Committee at the May 23, 2011 meeting.

Adopted on this 13th day of June, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk


13 June 2011

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a contract for Professional Consulting Services with Evergreen Solutions, LLC for Compensation and Job Classification Study with the total cost not to exceed \$40,000. The motion was seconded by Councilmember Stankoski. Lorenzo Howard, member of the Personnel Board, stated there were six organizations who submitted RFQs. The committee met and chose Evergreen Solutions and he briefly explained the timeline for project. Council President Mixon mentioned the funds were available from the remains from the HR Director's salary (\$42,000). After further discussion, motion passed unanimously by voice vote.

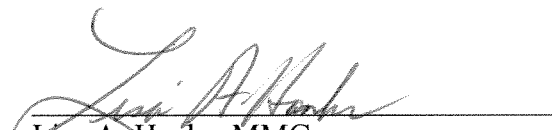
RESOLUTION NO. 1797-11

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 Consulting Services for the City of Fairhope with Evergreen Solutions, LLC for Compensation and Job Classification Study and the total cost not to exceed \$40,000.00.

DULY ADOPTED THIS 13TH DAY OF JUNE, 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 award bid to Gulf City Body & Trailer Works, Inc. for Backhoe Trailer for the Water Department. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

13 June 2011

RESOLUTION NO. 1798-11

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

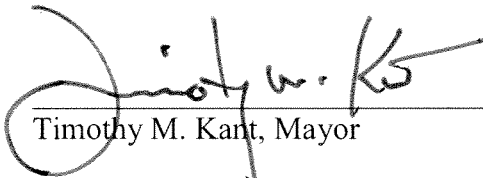
[1] That the City of Fairhope did request, receive, and open bids for a Backhoe Trailer for the Water Department (Bid Number 019-11) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for a
Backhoe Trailer for the Water Department


[3] After evaluating the bid proposals with the required bid specifications, Gulf City Body & Trailer Works, Inc., with the total bid proposal of \$12,112.00, is now awarded the bid for a Backhoe Trailer for the Water Department.

Adopted on this 23rd day of May, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

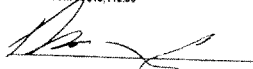
13 June 2011

CITY OF FAIRHOPE
 BID TABULATION AND RECOMMENDATION
 BID NO. 019-11
 BID NAME: BACKHOE TRAILER
 BID OPENED: MAY 24, 2011-- 2:00 p.m.
 Note: Bid Bond waived.

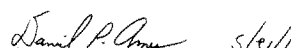
VENDOR	Bid Proposal Executed / Signed / Notarized	Delivery Lead Time (Days)	Instructions /Specification Compliance	Manufacturer	Model	Bid Price per Unit with Electric Brakes	Addendum #1 signed
Bye-Rite Trailer Sales	Yes	15 Days	See Note 1	Bye-Rite	EQ8525	\$6,990.00	No
Gulf City Body & Trailer Works	Yes	28 Days		Econoline	DP1226DE	\$12,112.00	Yes
Thompson Tractor	Yes	182 Days		Trail King	TK24LP	\$16,354.00	Yes
King Line Equipment	Yes	60 Days		Interstate Trailers, Inc.	24DTA	\$14,500	No
Beard Equipment Co.	No Response	No Response	No Response	No Response	No Response	No Response	No Response
Coastal Machinery Co.	No Response	No Response	No Response	No Response	No Response	No Response	No Response
Cowan Equipment Co.	No Response	No Response	No Response	No Response	No Response	No Response	No Response
Ellis All Purpose Trailers	No Response	No Response	No Response	No Response	No Response	No Response	No Response
Pittman Tractor Co.	No Response	No Response	No Response	No Response	No Response	No Response	No Response
Port City Trailers	No Response	No Response	No Response	No Response	No Response	No Response	No Response
Toomey Equipment Company	No Response	No Response	No Response	No Response	No Response	No Response	No Response
Tractor & Equipment Co	No Response	No Response	No Response	No Response	No Response	No Response	No Response
WSE Leasing, Inc.	No Response	No Response	No Response	No Response	No Response	No Response	No Response

Note 1: Does not meet specifications

Recommendation: Award bid to Gulf City Body & Trailer Works, inc.
 in the amount of \$12,112.00


 Dan McCrory, Superintendent of Water and Sewer Dept

To the best of my knowledge, this is an accurate bid tabulation

 5/31/11
 Daniel P. Ames, Purchasing Manager

Council President Mixon said that state law requires that salaries and benefits for incoming elected officials must be established a minimum of six months prior to the election. Now is a good time (during the budget planning) to do this. Also, since people will start planning their campaign within the next two months, this allows those who intend to run for office in 2012 to know well in advance what the salary will be. You will notice that the Council pay is the same, which means that there is no pay increase for the next four years.

13 June 2011

The recommended salary for the Mayor is reduced to \$30,000 per year. This figure was determined from a comparison of data collected from other cities in Alabama with a population of fewer than 50,000 and has either a city manager or city administrator. Keep in mind that according to State law, elected officials are not required to work full time. Council President Nixon read the proposed ordinance and then made the following statements:

- 1) None of us “own our elected position.” We could very well have six newly elected City Officials next term.
- 2) No one has made an announcement as who may be running for City office next year.
- 3) Concerning the Mayor’s salary – If the next Council thinks the Mayor’s salary is too low, the Council can immediately hire the Mayor as the Superintendent of Utilities and pay that person any salary they want.

So for everyone’s information; there are no “gotchas”; just sound frugal management of City resources.

Councilmember Quinn introduced in writing an Ordinance establishing the Salaries of Mayor, Council President, and Councilmembers.

Councilmember Ford said the new Council will not change the decision to lower the salary and people won’t run for office that might be capable of it. Mayor has done a good job and is a friend. The Council gave him a salary and now we are taking it away. He worked in the trenches for many years and has earned his retirement which should not be included when determining his salary. As for the Utility Superintendent, the new City Council will hire their own.

Council President Nixon replied Mayor Kant has done a great job under adverse conditions and this has nothing to do with him. His philosophy in politics is it is not a job. We volunteer to do this position and it is not a job for hire.

Councilmember Ford said the City Council has been running the City because we have a strong council/weak mayor. We need to wait and see what happens with the Supreme Court ruling. He said there is a little more to this than meets the eye.

Councilmember Stankoski said his personal opinion is the problem nationally is we have a bunch of professional politicians running our country and they don’t vote what is good for our county, but to keep their job and office. The salary is not to attract; that is not the issue. You are either going to serve or not going to serve. We get the same flack as the Mayor gets and also get the same calls. We have the responsibility to set the salaries for whoever is elected to office. No one is forced to run for office. You either want to do it or you don’t want to do it.

13 June 2011

Councilmember Quinn stated she agreed with Councilmember Stankoski that we do not want a professional politician sitting in any of these spots; and the salary sometimes makes that happen. We have a City Administrator, not a manager, who takes away a lot of the pressure off the Mayor's day to day workings. And, she thinks that helps in looking at salaries a little more cohesively.

Since there was no motion for immediate consideration, this ordinance will layover until the June 30, 2011 City Council meeting.

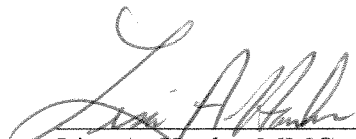
City Council reviewed an application for a Restaurant Liquor License by Christy C. Guy, Avanti Ristorante, Inc. d/b/a Avanti Ristorante and Bar located at 18 Laurel Avenue, Fairhope, Alabama. Councilmember Kingrea moved to approve the issuance of the license. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Joe Birindelli addressed the City Council and expressed his thanks for the patriotism and support that the City Council and Mayor has given to the Fairhope Veterans Memorial. We have set a goal for dedicating the memorial on Veterans Day.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:58 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, MMC
City Clerk