

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, 14 February 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 Deacon George Yeend of St. Lawrence Catholic Church and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 24 January 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 24 January 2011, work session. Councilmember Quinn stated there was a typo and had already discussed with the City Clerk. Council President Mixon then stated if there are no other corrections, the minutes stand approved as corrected.

Councilmember Kingrea addressed the City Council regarding the following issues:

- 1) Utility Rates – James Gillespie explained that gas rates were lower and will check meter rates.
- 2) Parking Situation – Parking garage is not being used.

Mayor Kant addressed the City Council regarding the following issues:

- 1) Earl Blackmon from Hartmann, Blackmon and Kilgore presented the CAFR for the fiscal year ending September 30, 2010. He discussed briefly the main points of the audit and read several excerpts from the letter of transmittal. He stated that the City of Fairhope has a “Clean Opinion” for the audit. Rose Fogarty, Nancy Wilson, and Jill Cabaniss were all thanked for their help.
- 2) Revenues are up: 138 new homes, lodging tax up 2%, permits/licenses up 8%, and sales tax up 7%.
- 3) Debt reduction plan needs to be worked up.
- 4) Tree issue on Magnolia – need to look at changing our zoning ordinance.
- 5) Parking downtown – met with school regarding the parking.
- 6) Preservation of Downtown Fairhope.
- 7) Natural Gas for Vehicles
- 8) Sidewalks – Jennifer Fidler has been asked to come up with a list and prioritize; then bring back to Council.

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Mayor Kant presented Charlene Lee and Wendy Allen with the Alabama AARP Award for Volunteerism with SmartCoast. Ms. Allen said that this would not have happened without the City's influence and allowing us the opportunity and approving the Complete Streets Policy.

Council President Mixon asked about the short-term and long-term projects from Mayor Kant. He also stated that the City's finances are where these are at due to the help of the Financial Advisory Committee and the Budget Committee.

Councilmember Quinn addressed the City Council regarding the following issues:

- 1) Skate Plaza – Billy Michalopoulos requested that the City move forward to bid out pre-engineered forms and we did not need an engineering firm for a new plan. Councilmember Quinn stated these are prefab stressed concrete items for the park. They are pre-engineered, but we have an engineer of record ready to sign off on the new updated plans which only add those items to the existing park.

Councilmember Quinn moved to approve the \$5,000 previously allocated for an Engineering Firm to prepare a plan for the Skateboard Park to be now used for improvements to the Park; and a letter from ADECA approving the grant funds can be used for these improvements. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

- 2) BP Oil Spill Committee – will take comments to committee.

Councilmember Stankoski addressed the City Council regarding the following items:

- 1) Thanks to the Council for the wonderful financial position; citizens involvement also thanked. In order to be in this position, we cut costs and made some people not very happy; and we still have long-term projects to look at.
- 2) Propose to the Police Department to look at a texting while driving ordinance.
- 3) Gas Lines in downtown Fairhope were mentioned and we need to start replacing the 83 year old lines.
- 4) Mike Ford's 24 grandchildren were mentioned and then said he has two new grandchildren (twins – a boy and a girl).

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Councilmember Ford addressed the City Council regarding the following items:

- 1) Garbage issue is still being discussed; interviewed the private sector; and we want as much public input as possible. We are still working on the recommendation to the Council.
- 2) Park and the City – We need to look at SUVs in the City and small car parking only.

City Administrator Gregg Mims addressed the City Council and mentioned the following items:

- 1) Saving Money – recognized the Department Heads and the 300 plus employees who helped in the reductions; i.e. turn off lights, bucket truck is part electric, shared printers, volunteer time for parades and other events, 1033 Program, and purchasing process streamlined. Dan Ames, Purchasing Manager, was recognized and Mr. Mims stated we need someone to keep us out of trouble.
- 2) Needs for the City – turn lane at Greeno Road, sidewalks, drainage issues, and parking. One of the biggest problems is where people are parking.

Jennifer Fidler, Public Works Director, addressed the City Council regarding the BP funds. She mentioned there is approximately \$420,000 left over and the City wants to send a Grant Application to BP. Four projects were mentioned and explained. Ms. Fidler also mentioned the need to extend the custodial bid evaluation for 30 days.

Councilmember Stankoski moved to address the following items **not** on the printed agenda: motion to approve to extend the bid evaluation period for thirty (30) days for Janitorial Services, motion to go into executive session to discuss pending litigation, resolution expressing support for Senate Bill 2 to create the Department of Insurance Property Insurance Clarity Act, and resolution authorizing Mayor Kant to execute a Contract for Professional Engineering Services for the City of Fairhope with CH2MHILL; and with a cap of thirty (30) hours. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Chief Bill Press addressed the City Council and stated that Mike Comalander had resigned and the Jail Administrator position was previously approved. He requested the approval to change the name of the position of Captain over Corrections to Corrections Administrator.

Councilmember Quinn moved to add the following item **not** on the printed agenda: motion to approve the name change of the position of Captain over Corrections to Corrections Administrator. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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Councilmember Quinn moved to approve the name change of the position of Captain over Corrections to Corrections Administrator. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Stankoski moved to extend the bid evaluation period for thirty (30) days for Janitorial Services. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution expressing support for Senate Bill 2 ("SB2") to create the Department of Insurance Property Insurance Clarity Act. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 1741-11

WHEREAS, that the City of Fairhope does hereby express support for Senate Bill SB2 to create the Department of Insurance Property Insurance Clarity Act; and

WHEREAS, the bill would require insurance companies transacting business in the state to provide policy and premium information to the Department of Insurance; and

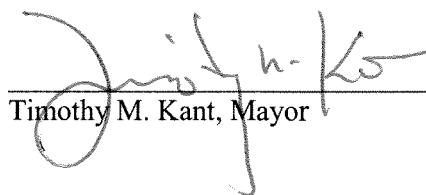
WHEREAS, the bill would require the department to provide on the department website aggregate data, separately for homeowners and commercial property insurance policies, of the number of policies written, the direct earned premiums, and the direct incurred losses representing the total of every insurance company doing business in Alabama; and

WHEREAS, the bill would also require the department to post on the department website a comprehensive description of the actuarial model used by the department for homeowner's and commercial properties risk and other related data; and

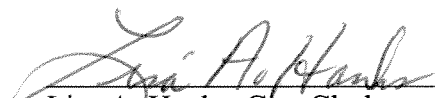
WHEREAS, the bill would provide penalties for insurance company noncompliance; and

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope supports Senate Bill SB2 to create the Property Insurance Clarity Act.

Adopted and Approved this 14th day of February, 2011


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, City Clerk

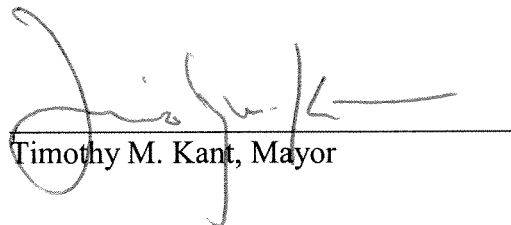
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Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to execute a Contract for Professional Engineering Services for the City of Fairhope with CH2MHILL; and with a cap of thirty (30) days. Councilmember Stankoski seconded the motion. Councilmember Kingrea questioned the need to hire this firm and sounds like we would be paying more money. Gregg Mims and Dan Ames explained the reasoning for the resolution and the need to hire CH2MHILL. After further discussion, the motion for the following resolution passed unanimously by voice vote.

RESOLUTION NO. 1742-11

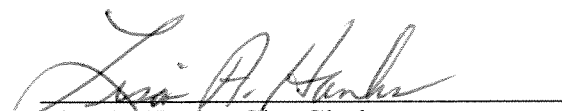
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute a Contract for Professional Engineering Services for the City of Fairhope with CH2MHILL with a projected hourly per diem rate schedule attached as Exhibit A; and with a cap of thirty (30) hours.

DULY ADOPTED THIS 14TH DAY OF FEBRUARY, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Council President Mixon mentioned that no one signed up for public participation.

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase a Ford Expedition for the Police Department from the Alabama State Department of Purchasing bid list. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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RESOLUTION NO. 1743-11

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 Vehicle for Investigations for the Police Department and the type of vehicle 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:

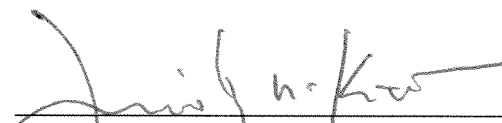
Bid Number: T191

Contract Number: 4010935

Ford Expedition SSV Vehicle

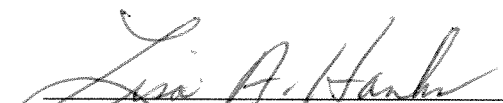
Total Cost is \$24,217.00 each

Adopted on this 14th day of February, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Quinn moved to amend a resolution authorizing the City of Fairhope to enter into a partnership with the Fairhope Single Tax Corporation for the Volanta sidewalk construction project by adding "oversee" to the third paragraph. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the City of Fairhope to enter into a partnership with the Fairhope Single Tax Corporation for the Volanta sidewalk construction project as amended. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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RESOLUTION NO. 1744-11

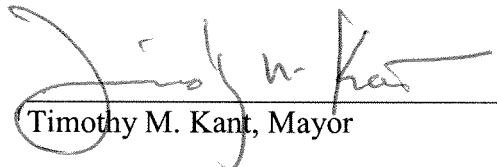
WHEREAS, the City Council supports the construction of a sidewalk on Volanta Avenue; from Greeno Road a/k/a U.S. Highway 98 to Section Street; and

WHEREAS, the City of Fairhope desires to partner with the Fairhope Single Tax Corporation for the sidewalk construction project. The partnership will allow the Fairhope Single Tax Corporation to construct the sidewalk and will bear all expenses including the engineering design and construction of the sidewalk; and

WHEREAS, the City of Fairhope will designate a staff person to review and oversee the project to insure that it meets all of City of Fairhope standards; and

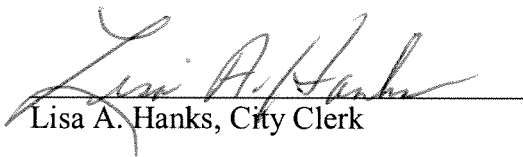
NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that the City of Fairhope is authorized to enter into a partnership with the Fairhope Single Tax Corporation for the Volanta sidewalk construction project.

Adopted on this 14th day of February, 2011



Timothy M. Kant, Mayor

Attest:



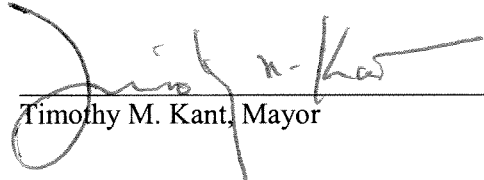
Lisa A. Hanks, City Clerk

Councilmember Kingrea 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 Testing Services for mandatory EPA and ADEM Water Testing with TestAmerica Laboratories, Inc. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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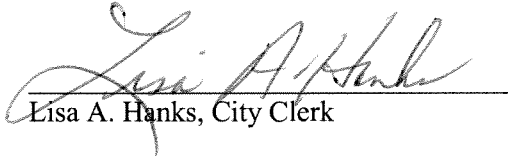
RESOLUTION NO. 1745-11

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 Testing Services for Mandatory EPA and ADEM Water Testing with TestAmerica Laboratories, Inc. (PS003-11) with a projected yearly cost at approximately \$25,000.00.

DULY ADOPTED THIS 14TH DAY OF FEBRUARY, 2011


Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution to reject Bid No. 008-11 Lift Station Odor Control Chemicals for the Sewer Department and authorize rebid. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

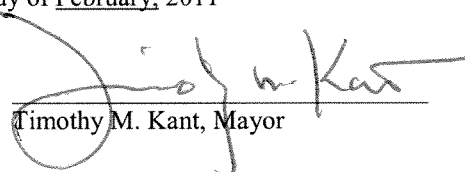
RESOLUTION NO. 1746-11

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 Lift Station Odor Control Chemicals for the Sewer Department (Bid Number 008-11) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[2] At the appointed time and place, only one bid response was received.

[3] After evaluating the bid proposal with the required bid specifications, it was found unacceptable and we request that all bids be rejected for Bid No. 008-11 and authorize rebid.

Adopted on this 14th day of February, 2011


Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

14 February 2011

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution to award Bid for Phosphate Chemical Supply and Corrosion Testing for the Water Department (Bid No. 007-11). Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1747-11

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

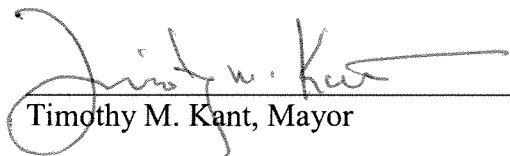
[1] That the City of Fairhope did request, receive, and open bids for Phosphate Chemical Supply and Corrosion Testing for the Water Department (Bid Number 007-11) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for
Phosphate Chemical Supply and Corrosion Testing for the Water Department

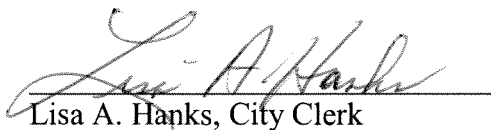
[3] After evaluating the bid proposals with the required bid specifications, Thornton, Musso & Bellemin, with the total bid proposal of \$.0358 per 1000 gallons of water treated with phosphate and \$22.35 price per gallon of TKPP, is now awarded the bid for Phosphate Chemical Supply and Corrosion Testing for the Water Department.

Adopted on this 14th day of February, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

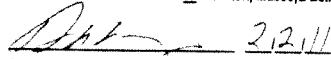
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CITY OF FAIRHOPE
 BID TAB and Recommendation
 BID NO: 007-11
 BID NAME: PHOSPHATE CHEMICAL SUPPLY AND CORROSION TESTING
 BID OPENED: February 1, 2011
 Note: Bid Bond required

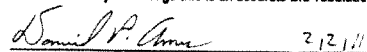
VENDOR	Bid Bond Submitted	Bid Proposal Executed / Signed / Notarized	Delivery lead time ARO	Phosphate price per 1000 gallons of water treated	TKPP price per gallon	
THORNTON, MUSSO, BELLEMIN	yes	yes		0.0358	\$ 22.35	
CHEMTECH	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	
US FILTER- SIEMENS	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	
WATER AND WASTE SPECIALTIES, LLC	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	
CHEM STATION GULF COAST	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	
INDUSTRIAL CHEMICAL	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	
GE BETZ	yes	yes		0.035	\$ 23.00	see Note 1
F2 INDUSTRIES	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	
DPC ENTERPRISES	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	
LYNX CHEMICAL GROUP, LLC	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	
TALCO INDUSTRIAL CHEMICALS	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE	
CEDAR CHEMICAL	NO BID	NO BID	NO BID	NO BID	NO BID	
SHANNON CHEMICAL	NO BID	NO BID	NO BID	NO BID	NO BID	

Note 1: Bid did not meet specifications

Recommendation to Award to: Thornton, Musso, & Bellemin for their bid as listed above


 Dan McCrory, Superintendent, Water and Sewer Dept

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


 Daniel P. Ames, Purchasing Manager

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council of the City of Fairhope endorses the goals, objectives and Business Action Plan of Blueprint for a Better Tomorrow (2011 through 2015) and the City of Fairhope will recognize the work of Eastern Shore Business Leaders who support Blueprint for a Better Tomorrow. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

14 February 2011

RESOLUTION NO. 1748-11

WHEREAS, the City Council of the City of Fairhope, Alabama endorses the goals and objectives of Blueprint for a Better Tomorrow (2011 through 2015) in general and the related Business Action Plan for the Eastern Shore Chamber of Commerce in particular; and

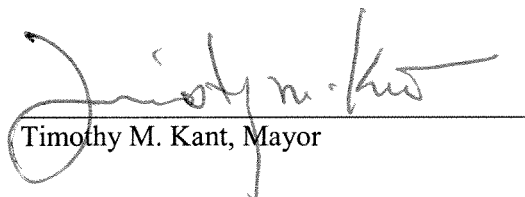
WHEREAS, the City Council of the City of Fairhope endorses the Business Action Plan of the Blueprint for a Better Tomorrow under the three strategic components of Economic Development/Workforce Development, Tourism and Public and Community Affairs; and

WHEREAS, the City Council of the City of Fairhope recognizes the work of over 125 Eastern Shore Business Leaders who support this five year plan with a core purpose of increasing visitation to Fairhope and the Eastern Shore Community; and

WHEREAS, visitors to the Eastern Shore provided a documented impact of over 3 Million travel related visitors; \$1.5 Billion spent by these visitors; \$596 Million in travel related parole and \$4 Million in local tax revenue during the 2005 thru 2010 period according to the Alabama Tourism Department Montgomery, AL.

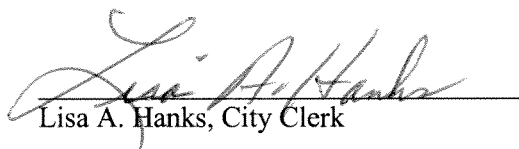
NOW BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that the City Council of the City of Fairhope will endorse the goals, objectives and Business Action Plan of Blueprint for a Better Tomorrow. The City of Fairhope will recognize the work of Eastern Shore Business Leaders who support Blueprint for a Better Tomorrow (2011 thru 2015).

DULY ADOPTED THIS 14TH DAY OF FEBRUARY, 2011



Timothy M. Kant, Mayor

Attest



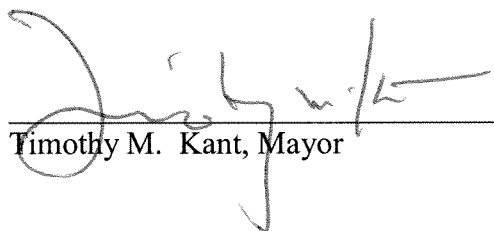
Lisa A. Hanks, City Clerk

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing City Administration to execute documents so that the City of Fairhope can apply for and receive the Deepwater Horizon Incident Grant. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

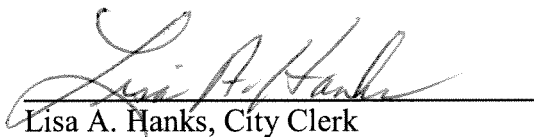
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RESOLUTION NO. 1749-11

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, authorizes the City Administration to execute any necessary and appropriate documents so that the City of Fairhope can apply for and receive the Deepwater Horizon Incident Grant. These funds are to be used by the impacted governments in Baldwin and Mobile Counties to prevent, minimize or mitigate the damage from the Deepwater Horizon Incident including any project management costs and equipment costs associated therewith. The City's project application is for City of Fairhope Shoreline Enhancement & Water Quality Improvement with an estimated project cost of \$419,000.00.

DULY ADOPTED THIS 14TH DAY OF FEBRUARY, 2011

Timothy M. Kant, Mayor

ATTEST:

Lisa A. Hanks, City Clerk

Council President Mixon stated that Agenda Item #14 had been pulled at the request of our Attorney.

Councilmember Quinn introduced in writing an ordinance amending Ordinance No. 1371 and Ordinance No. 1437 known as the City Council Rules of Procedure; amending Section VIII regarding Public Participation. Councilmember Quinn moved for immediate consideration. The motion for immediate consideration failed for lack of a second, this will lay over until the February 28, 2011 City Council meeting.

City Council reviewed an application for a Restaurant Liquor License by Marilyn Ann Dominick, Debra Ann's, Inc. d/b/a Church Street Café, located at 7 South Church Street, Fairhope, Alabama. Councilmember Quinn moved to approve the issuance of the license. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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City Council reviewed an application for a Special Events Retail License by Ronan McSharry, Louelda, L.L.C., d/b/a McSharry's Irish Pub, located at 101 North Bancroft Street, Fairhope, Alabama. Councilmember Kingrea moved to approve the issuance of the license. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

At the request of the City Attorney, Marion E. Wynne, the City Council will rise from the meeting to go into Executive Session to discuss pending litigation. The approximate time to be in Executive Session is 20 minutes. Councilmember Kingrea moved to go into Executive Session. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

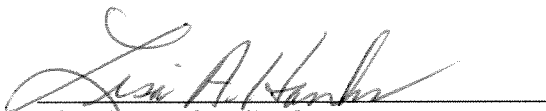
Exited the dais at 7:16 p.m. Returned at 7:38 p.m.

Councilmember Quinn moved to authorize City Attorney Marion E. Wynne to hire who he needs attorney-wise for the Green Case and ask the firm to submit a letter of engagement which will be brought back to the City Council on February 28, 2011. The motion was seconded by Councilmember Kingrea. City Attorney Wynne said the trial was scheduled in March. After further discussion, the motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:40 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, CMC
City Clerk