

**CITY OF FAIRHOPE  
CITY COUNCIL AGENDA**

**TUESDAY, 27 DECEMBER 2011 - 6:00 P.M. - CITY COUNCIL CHAMBER**

**Invocation and Pledge of Allegiance**

1. Approve Minutes of 12 December 2011 Regular City Council Meeting and minutes of the 12 December 2011 Public Participation/Work Session.
  2. Report of the Mayor - Proclamations
  3. Council Comments
  4. Public Participation
  5. Approval of the Schedule of the 2012 City Council Meetings.
  6. Resolution – To purchase a 2012 Ford F-150 4x2 Pick-Up Truck for the Meter Department.
  7. Resolution – To purchase a 2011 Ford F-350 Truck for the Recreation Department.
  8. Resolution – Rejecting all bids for Bid No. 001-12, Material for Key Allegro Lift Station.
  9. Request – Approval to fill vacancy for Lifeguard for the Recreation Department.
- ADD ON** Motion – Authorizing that Part-Time Permanent Positions may be filled at the existing pay rate and the established job position without Council’s approval.
10. Request – Debbie Quinn – Approval of one time variance in the Noise Ordinance on December 31, 2011, New Year’s Eve from 10:00 p.m. until 12:30 a.m.
- ADD ON** Motion – Authorizing a one-time expenditure for a Consultant Fee for Dan Burden to discuss bike lanes and walkability; and Approving to fill Two Help Desk Technicians for the Information Technology Department.
11. Adjourn

**The City of Fairhope will be closed Monday, January 2, 2012 for New Year’s Holiday  
and Monday, January 16, 2012 for Martin Luther King Day**

**Next Regular Meeting Monday, January 9, 2012 will be at 4:00 p.m. and  
The Public Participation will be moved to 3:30 p.m.**

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 Tuesday, 27 December 2011.

Present were Council President Lonnie L. Mixon, Councilmembers: Debbie W. Quinn, Daniel Stankoski, and Rick Kingrea, Mayor Timothy M. Kant, and City Clerk Lisa A. Hanks. Councilmember Michael A. Ford and City Attorney Marion E. Wynne were absent.

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 12 December 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 12 December 2011, public participation/work session meeting. He then stated if there are no corrections, the minutes stand approved as written.

Mayor Kant addressed the City Council and presented the following proclamation to Doug Brown, Greg Burroughs, and Ben Patterson for recognition of their act of heroism:

**WHEREAS**, CONGRATULATIONS AND CITATIONS ARE IN ORDER FOR DOUG BROWN, BEN PATTERSON, AND GREG BURROUGHS FOR THE ASSISTANCE IN SAVING OF THE LIFE OF FELLOW CITY OF FAIRHOPE EMPLOYEE GREG MCCOY ON DECEMBER 15, 2011; AND

**WHEREAS**, A CATASTROPHE WAS AVOIDED BECAUSE OF THE SKILLFUL AND QUICK RESPONSE TO DANGER AND KNOWLEDGE OF LIFE SAVING DEMONSTRATED BY DOUG BROWN, BEN PATTERSON, AND GREG BURROUGHS; AND

**WHEREAS**, THIS COURAGEOUS ACTION IN AVERTING WHAT COULD HAVE BEEN A TRAGIC LOSS TO FAMILY, FRIENDS, AND COMMUNITY WAS AN ACT OF HEROISM WHICH DESERVES SPECIAL RECOGNITION BY THE GOVERNING BODY OF THIS CITY;

**NOW, THEREFORE**, I, TIMOTHY M. KANT, BY VIRTUE OF THE AUTHORITY VESTED IN ME AS MAYOR, AND SPEAKING ON BEHALF OF THE ENTIRE CITY COUNCIL AND ALL OUR CITIZENS, DO HEREBY TENDER TO DOUG BROWN, BEN PATTERSON, AND GREG BURROUGHS, THIS CERTIFICATE OF RECOGNITION FOR AN ACT OF HEROISM.

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At this time Council President Mixon announced that a distinguished guest had just entered the room which was Greg McCoy who went up front and acknowledged his fellow workers as his “heroes.”

Scott Sligh, Electric Superintendent, addressed the City Council and made the following comments regarding the incident that happened with Greg McCoy:

186,000 miles per second; does anyone know what that is? That’s how fast electricity travels. We deal with something every day we can’t out run. You can’t see it. You can’t hear it. You can’t smell it. You can’t taste it. You can’t even feel it. One thing you can do is touch it. That sound counter intuitive, but if you will ask these guys that put these gloves on every day. They can feel it. They feel it tingle in their fingers. They feel it with the hair on the back of their necks standing up. Just like something out of Jurassic Park where they created dinosaurs from DNA. We created electricity. We humans did and we make it do what we want it to. We use it for entertainment. We use it to power these speakers, these lights, charge our cell phones. We make it do our bidding each and every day. But that’s not what it wants to do. It wants to get loose. It wants to escape. And what it wants to do is, it wants to hurt us.

On December 15, 2011, it did. We train. We teach. We practice. We put our employees through CPR and First Aid. We got AEDs in several of the buildings. We buy them PPE: glasses, gloves, harnesses in our business. The Police, the Fire, and the Water; everybody’s got their own set of equipment unique to them. Does it cost money? It does. Does it take longer? It does. Is it worth it? It is worth it. We practice rescue procedures. And, as the saying goes: “If you prepare for the worst, you hope for the best.”

At 11:40 that day, the worst happened. Greg came in contact with 12,470 volts of electricity. At about that same time, the best came out. Individually, these three were at their best; all three of them. Doug was in the bucket as well. Ben was on the ground. Greg happened to be driving by. Greg saw it from the traffic light. Ben saw it. These two guys thought they were finished with what they were doing and they were coming down. With very little conversation between them, they all knew what they needed to do. Ben got on that truck and started lowering the truck when his fellow employee couldn’t do it. Doug immediately knew that once Ben got the truck around with Greg in it to where he could do something; Doug knew what he needed to do next. Very little conversation going on between them, they knew what to do. Greg Burroughs sitting at the traffic light, he knew that once I go over here and get the dump truck parked; I know what I need to go do. And they did it without hesitating, without talking to each other saying what do we do. They did it.

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Collectively, the team functioned at their best. The Police was there helping us. The Police had the roads blocked. They had the intersections quarantined off. They gave us space to work to do what we needed to do. They let the Fire and Rescue have ingress and egress. The Fire and Rescue folks, I mean, goodness knows what they did. They gave triage support to Greg when we got him on the ground. Not we, they! They landed the helicopter at Faulkner so that Greg could get to South as quick as he could. I don't want to try and name everybody that was there that day because undoubtedly I would leave somebody out. There are all details of that day that we are all kind of missing. You just don't remember. You know, one of the guys asked Doug how in the world did you get out of that bucket. He was nine feet in the air. I could ask you right now, you don't know.

But, you want to know what toughness looks like? It looks like that right there. Once these guys got Greg to where there was nothing physically they could do for Greg, we kind of rallied the troops and said hey I hate to leave a fallen comrade, but you know what we have to do. We got to get the power back on. So there are grown men out there with tears rolling down their cheeks. The last place they wanted to be was up there doing what they had to do. But they did it. They all did it. And, that takes a lot of guts. It really does. But we're not quitters. Our group doesn't say quit and we're not going to quit. We're going to go forward. You just heard Greg say he's going forward. You know, when you talk a lot about; you know, you hear the old cliché "there is no I in team." Yeah, I hate that. You know, there is a poster somewhere somebody got in their corporate office. Let me put that in a different way. It's not about me. It's not about me. It's not about you. It's not about you. It's not about any of us individually. We talk about we are our brother's keeper. We jokingly say where's Scott? It's not my day to keep up with him. The way we work, it is our day to keep up with him. It is our day to make sure we go home with our fingers and toes. It is our day to make sure that our guys get home together. Because what one of them does impacts what happens to the other one, a lot of times. It is not an individual effort. What does that look like? What does it's not about me look like? It looks like these three. They don't think they did anything special. They just say I was doing my job. That says it's not about me, I am part of something bigger. You know, this is an example, this whole incident, of things done right.

We could say what if. What if I was in the bucket, Greg hadn't been; it would all be different. I can tell you a personal example, Thursday, December 15th; I was supposed to have our trucks dielectrically tested. I cancelled it because we had work we had to get done by the 16th; and I told them all jokingly, Monday, don't ask me for vacation. We are not doing it. We got stuff to do. What if I had done that? What if I had let them schedule those trucks? They wouldn't be out there. We could what if it to death. I'd do it again. What we do need to do is; what if Greg had not had his fire retardant clothes on. He wouldn't be right here right now. What if he hadn't had his glasses on? What if we had not set the substation breakers to the instant it saw a problem, it closed; closed electricity off without trying to

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come back on him. That's what we need to be "what-ifying." We did a lot of things right. This guy got hurt through no fault of his own, but everybody around him did a lot of things right. And, that's what we need to take away from here. So, I guess I'd say who would you want in your corner. I know who I'd want in my corner. There's a whole lot of City employees that did the right thing and really came to the aid of a fellow worker when he couldn't help himself.

I'm really proud of these three especially. One of them says you know anybody else would have done it. I said you're right. You did do it. And, I'm really proud of the City personnel, in general, that responded. And, again, I don't want to try and name them. And, I know Greg is. I think you should be proud of all of them too and I think they represented us very well.

Scott briefly explained the details of the incident and what caused it on December 15, 2011.

Mayor Kant also addressed the City Council with the following items:

- 1) Mentioned the agenda item regarding lifeguards and requested that Part-Time positions be allowed to fill without going before the Council.
- 2) Two Help Desk Technicians at \$35,000 per year are also on the agenda for approving which will take the place of Jeff Montgomery's old position. You will have three people instead of two in the IT Department.
- 3) If we are going to deal with Special Events, we need to look at how alcohol is involved. If you decide to approve a variance in the Noise Ordinance, we need to decide where to address it.

Councilmember Stankoski addressed the City Council regarding the year's accomplishments. The following are the ten main accomplishments he recognized:

- 1) City-Wide Radio System and CAD System for Police Department
- 2) Upgrades for Water & Sewer Plant Study
- 3) Bids for AS-400 Program Replacement
- 4) Continue to build Cash Reserves; and Refinanced the GOW and URW
- 5) Purchased numerous Vehicles
- 6) \$1.3 million Road Pavement Project, pay-as-you-go
- 7) Replaced Traffic Signals with LED lights - \$150,000 savings per year
- 8) Replaced Gas Lines in the Fruit and Nut Section
- 9) Sidewalk Project for walkability and quality of life
- 10) Theatre 98 Project

However, the biggest accomplishment was presented tonight; the City provides training and proper equipment to its employees.

Councilmember Stankoski said "we didn't always fight and we didn't always argue. We got the job done and should be proud of our accomplishments."

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Councilmember Kingrea addressed the City Council regarding the 1165th Dismissal Ceremony. He mentioned a friend who is a psychologist, named Mad Dog, who counsels military families who had someone serve in the Middle East; and who said if you ever get an opportunity to see one of these ceremonies, make sure you go. And, if you don't cry, you don't have a heart. The ceremony will make you proud that you are an American. Councilmember Kingrea said this program was the most moving thing he has ever seen. Mayor Kant went through Louis Mapp who provided some funds to help shuffle these guys back and forth from Camp Shelby. One of the reasons Fairhope is a great place; there was literally not a space for anyone to stand in our auditorium for this ceremony.

Public Participation:

1) Tricia Niemeyer, Fly Creek Café, 831 North Section Street, addressed the City Council regarding Agenda Item Number 10, request to approve a one-time variance in the Noise Ordinance on December 31, 2011, New Year's Eve from 10:00 p.m. until 12:30 a.m. She said that the New Year's Eve Celebration is a City sanctioned event funded by citizens and others should be allowed to hold an event. She mentioned that Christmas night Fly Creek held an event and the noise levels were between 50 and 60 decibels. Nevertheless, the Police showed up twice that evening. She said the music could not be heard in her office.

2) Jim Horner, 115 Volanta, addressed the City Council regarding Agenda Item Number 10, request to approve a one-time variance in the Noise Ordinance on December 31, 2011, New Year's Eve from 10:00 p.m. until 12:30 a.m. He said don't fault the downtown district with City event.

Councilmember Quinn mentioned that she had asked for the March 12, 2012 City Council date to be moved to March 14, 2012 due to the National League of Cities Conference which will be attended by Mayor Kant, Gregg Mims, and herself. Councilmember Quinn moved to amend the Schedule of the City Council Meetings by moving the March 12, 2012 meeting to Wednesday, March 14, 2012. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Kingrea moved to approve the Schedule of the 2012 City Council Meetings as amended. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase a 2012 Ford F-150 4x2 Pick-Up Truck for the Meter Department. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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**RESOLUTION NO. 1886-11**

**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 2012 Ford F-150 4x2 Pick-Up Truck for the Meter 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:

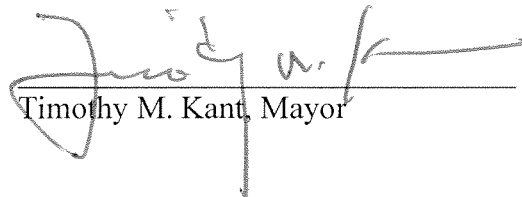
Bid Number for Vehicle: T191

Contract Number: 4011759

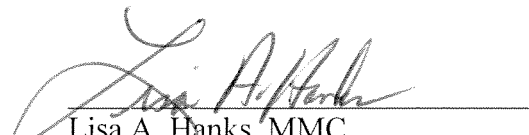
2012 Ford F-150 4x2 Pick-Up Truck

**Not to Exceed \$15,461.00**

Adopted on this 27th day of December, 2011

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

Attest:

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

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase a 2011 Ford F-350 Truck for the Recreation Department. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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**RESOLUTION NO. 1887-11**

**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 2011 Ford F-350 Truck for the Recreation 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:

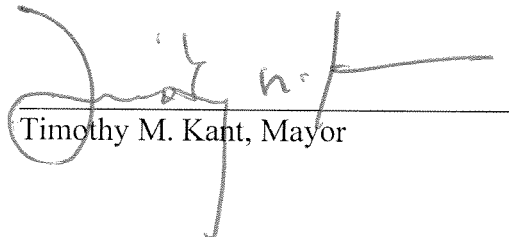
Bid Number for Vehicle: T193A

Contract Number: 4011356

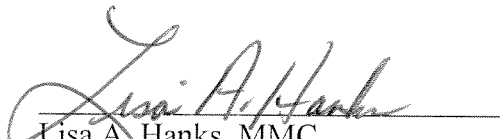
2011 Ford F-350 Truck

**Not to Exceed \$22,294.00**

Adopted on this 27th day of December, 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 reject all bids for Bid No. 001-12, for Material for Key Allegro Lift Station. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.



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**RESOLUTION NO. 1888-11**

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

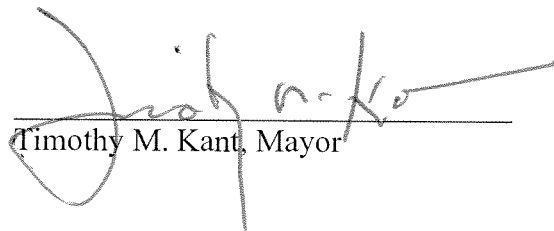
[1] That the City of Fairhope did request, receive, and open bids for Materials for Key Allegro Lift Station (Bid Number 001-12) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

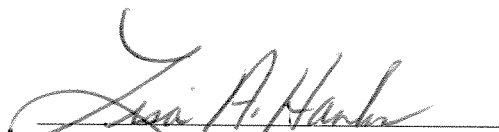
Please see attached Bid Tabulation for  
Materials for Key Allegro Lift Station

[3] After evaluating the bid proposals with the required bid specifications, the lowest bid prohibitively exceeds budgetary expectations and we request that all bids be rejected for Bid No. 001-12.

Adopted on this 27th day of December, 2011

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

Attest:

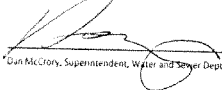
  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

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CITY OF FAIRHOPE  
 BID TABULATION AND RECOMMENDATION  
 BID NO. 001-12  
 BID NAME: MATERIALS FOR LIFT STATION KEY ALLEGRO  
 BID OPENED: NOVEMBER 14, 2011 2:00 P.M.  
 Note: Bid Bond waived. NO PREBID MEETING

VENDOR	Non-Collusion Statement/Bid Proposal Executed / Signed / Notarized	Delivery lead time ARO	Instructions /Specification Compliance	Manufacturer	Model	Bid Price
JH WRIGHT AND ASSOCIATES, INC	NO Quote	NO Quote	NO Quote	NO Quote	NO Quote	NO Quote
APPLIED INDUSTRIAL TECHNOLOGIES	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
BURNS DEWATERING SERVICES, INC	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
BURNS DEWATERING SERVICES, INC	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
UNITED RENTALS (TRENCH)	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
EMPIRE PIPE AND SUPPLY CO	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
GILBERT PUMP AND MECHANICAL, INC. dba GIM, Inc	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
FERGUSON WATERWORKS	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
CENTRAL PIPE AND SUPPLY, INC	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
JIM HOUSE & ASSOCIATES	NO	NO BID RESPONSE FORM				\$34,510.00
HYDRA SERVICES	YES	42 DAYS		ABS	XFP 100ECBI PE105014	\$43,200.00

RECOMMENDATION: REJECT ALL BIDS

  
 Dan McCrory, Superintendent, Water and Sewer Dept

12/16/11

To my knowledge this is an accurate bid tabulation.

  
 Daniel P. Ames, Purchasing Manager

Councilmember Quinn moved to grant the request to fill the vacancy for a Lifeguard for the Recreation Center. 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.

Councilmember Stankoski moved to authorize that Part-Time Permanent Positions may be filled at the existing pay rate and the established job position without Council's approval. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Quinn moved to grant the request for a one-time variance in the Noise Ordinance on December 31, 2011, New Year's Eve from 10:00 p.m. until 12:30 a.m. The motion was seconded by Councilmember Kingrea.

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Council President Mixon read the following excerpt from Ordinance No. 1443 also known as the Noise Ordinance:

Section 12-4; Noise in Residential Districts - d. Exceptions, (2) *Noises from authorized activities*. The prohibitions of this section shall not apply to air traffic at the H. L. "Sonny" Callahan Airport in Fairhope, Alabama; or any activities of a temporary duration which are permitted by law and for which a license or permit has been granted by the City including but not limited to parades, sporting events, concerts, arts and crafts festivals, and fireworks displays. Council President Mixon commented we are not in a position to grant blanket permits.

Councilmember Quinn stated that New Year's Eve can only be celebrated at midnight. She said I don't know how the City can have their event and other businesses not have theirs. The Noise Ordinance is a contentious thing especially in one neighborhood. She said New Year's Eve is New Year's Eve. This is just promoting this waiver one time and then we can reassess.

Councilmember Stankoski commented he said I know it is New Year's Eve and I know what it means to a lot of people. But, on the other hand, we all know when New Year's Eve is, it is December 31st and there was ample time if you wanted a variance like other businesses have for whatever the variance.

After discussion, the motion to approve a one-time variance in the Noise Ordinance on December 31, 2011, New Year's Eve failed by the following voice votes: AYE - Quinn. NAY - Stankoski, Mixon, and Kingrea.

Councilmember Stankoski moved to address the following items **not** on the printed agenda: motion to authorize a one-time expenditure for a Consultant Fee to discuss bike lanes and walkability; and motion to grant the request to fill two Help Desk Technician Positions for the Information Technology Department. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

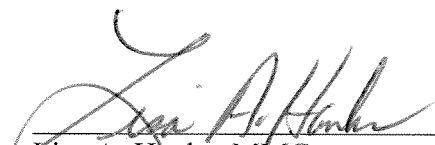
Councilmember Quinn moved to authorize a one-time expenditure for a Consultant Fee (Dan Burden is the Consultant) to discuss bike lanes and walkability. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Kingrea moved to grant the request to fill two Help Desk Technician Positions for the Information Technology Department at \$35,000 per year for each position. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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There being no further business to come before the City Council, the meeting was duly adjourned at 6:47 p.m.

  
\_\_\_\_\_  
Lonnie L. Mixon, Council President

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