

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

MONDAY, 13 DECEMBER 2010 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve Minutes of 22 November 2010, Regular City Council Meeting and minutes of the 22 November 2010 Work Session.

ADD ON Vote - City Council President – Lonnie Mixon
 Vote - City Council President Pro Tempore – Dan Stankoski

2. Old Business
Rick Kingrea - "Where Do We Stand"
3. Report of the Mayor
4. Council Comments
5. City Administrator
6. Public Participation
7. Resolution – Award Bid for Material Handler Truck for the Electric Department (Bid No. 003-11).
8. Resolution – Award Bid for Fire Truck Outfitted for the Fire Department (Bid No. 004-11).
9. Resolution – To purchase a Ford F-150 Truck for the Police Department.
10. Resolution – Award Bid for Three Year Lease for a Backhoe for Water Department (Bid 002-11).
11. Resolution – Award Bid for Landscaping Services for Public Works Department (Bid No. 023-10).
12. Resolution – Authorizing Mayor Kant to enter into an agreement with the Alabama Department of Transportation for the grading and/or landscaping of State Right-of-Way locate and describe: Construct a 6' wide concrete sidewalk along the East side of U. S. Highway 98 from Spring Run Road to Southland Boulevard in Fairhope, Alabama.
13. Resolution – Authorizing Mayor Kant to enter into an agreement with Alabama Department of Transportation for the Cooperative Maintenance of State Right-of-Way to secure a more efficient and safe traffic flow within the city limits of Fairhope, Alabama along Route U. S. Highway 98 and agrees to maintain the existing sidewalk from milepost 46.3 to 47.75.
14. Ordinance – Final Adoption – An Ordinance Establishing The City of Fairhope's Noise Ordinance which Replaces and Repeals Ordinance No. 554, Ordinance No. 1100, Ordinance No. 1401, and Ordinance No. 1424. (Introduced at the November 8, 2010 City Council Meeting)
15. Ordinance – An Ordinance Amending Ordinance No. 1371 and Ordinance No. 1437 known as the City Council Rules of Procedure; Amending Section VIII regarding Public Participation.

16. Ordinance – An Ordinance Establishing the City of Fairhope’s Tree Ordinance which Replaces and Repeals Ordinance No. 1193, Ordinance No. 1223 and Ordinance No. 1351.
17. Application for a Restaurant Liquor License and Beer Off-On Premises License by Darla Scott, Darla Corporation, L.L.C., d/b/a The Pub, located at 311 Fairhope Avenue, Alabama.
18. Executive Session – Discuss Pending Litigation
19. Adjourn

The City of Fairhope will be CLOSED on the following days:
Thursday, December 23, 2010
Friday, December 24, 2010
Friday, December 31, 2010

Next Regular Meeting Monday, December 27, 2010 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 December 2010.

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 David Stookey, Pastor of Fairhope Community Church, and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 22 November 2010, regular meeting. He then stated if there are no corrections, the minutes stand approved as written. Council President Mixon then asked if there were any corrections to the minutes from the 22 November 2010, work session. He then stated if there are no corrections, the minutes stand approved as written.

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

Council President Mixon opened the floor for Council President nominations: Councilmember Quinn nominated Mike Ford for Council President for the following reasons: past time for new Council President and this year we need to work on building relationships and sense of community. Mike Ford has been a City Councilmember over 26 years and it is time for him to lead us in this effort. Councilmember Kingrea nominated Lonnie Mixon for Council President and no other nominations were made. The floor for nominations was then closed. Lonnie Mixon was voted by the Councilmembers as Council President by the following vote: All in Favor for Mike Ford as the Council President: AYE - Quinn and Ford. NAY – Stankoski, Mixon, and Kingrea. All in Favor of Lonnie Mixon as the Council President: AYE - Stankoski, Mixon, and Kingrea. NAY – Quinn and Ford.

The floor was then opened for Council President Pro Tempore nominations: Councilmember Kingrea nominated Dan Stankoski and no other nominations were made. The floor for nominations was then closed. Dan Stankoski was voted by the Councilmembers as Council President Pro Tempore by the following voice votes: AYE – Quinn, Mixon, Ford, and Kingrea. NAY – None. ABSTAIN – Stankoski.

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Councilmember Kingrea addressed the City Council regarding “Where Do We Stand” with the following issues:

- 1) Nichols Street – The lumber was removed due to the pending the decision of the Judge.
- 2) Trinity Presbyterian Church home on 26 Orange Street – Numerous calls regarding home being a homeless shelter or half-way house. This is a transitional home for families who have been homeless, but are working to establish another home. This will be a four to six months transitional period.

Councilmember Quinn addressed the City Council regarding the following issues:

- 1) 26 Orange Street Home – She agreed with Councilmember Kingrea with the need to help these families. As long as they follow whatever needs to be done, there is nothing the City Council can do because this property is in the right district and zoning.
- 2) Boothe Bishop Road extension – Met with Fairhope Single Tax and spoke with County Commissioner Bob James. The right-of-way has not been cleared and there are three trees that the County thinks need to be removed which will be a sensitive issue.
- 3) Recycling during the Holidays – Jennifer Fidler stated that there would be no pick up on December 23 and 24, 2010. Friday’s pickup on December 31, 2010, will be moved to Wednesday, December 29, 2010.

Mayor Kant addressed the City Council and regarding the following issues:

- 1) Christmas Holidays – He told everyone Merry Christmas.
- 2) Dan McCrory accident was mentioned, but he is doing okay.
- 3) Outsourcing Mowing – Not one citizen has stated we need to outsource. He spoke to County Commissioner Frank Burt regarding the County’s services contracted out; if after hours it is hard to contact business. We invest a lot of money in our crews: all are CPR certified trained for chainsaw use, and have Commercial Drivers Licenses (CDLs). The employees are considered “Essential Employees” and do not evacuate for Hurricanes or storms. They also fill in for all of the sick time and vacation time for other employees. This will be \$100,000 savings if we contract mowing. He also mentioned having a major problem with foreign employees replacing City employees. We should take care of our own citizens first.

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Councilmember Quinn addressed the City Council and mentioned the following items:

- 1) Notice from AMEA regarding an increase in the rate by 8.8% and the gas rate may be going down. She stated the City Council needs to decide if we are going to pass this along to the citizens of Fairhope or not.
- 2) Recycling – She mentioned Gulf Shores going to “Single Stream Recycling” and suggested Jennifer Fidler looking into this for Fairhope.

Councilmember Stankoski addressed the City Council and mentioned the following items:

- 1) British Petroleum may owe the Federal Government billions of dollars under the Clean Water Act and the Natural Resources Damage Assessment. As a Councilmember on the Fairhope Airport Authority and the Fairhope Economic and Industrial Development Board, he reported proactive measures taken by both boards. Governor Riley appointed the Coastal Recovery Committee to examine the impact of the oil spill. Then, the Infrastructure Subcommittee was formed to submit a report to identify proposals and projects to benefit coastal Alabama both environmentally and economically. Both boards submitted project identification templates to be attached to this report. The Fairhope Airport Authority requested \$5.3 million for a 4,000 square foot general aviation terminal and for the construction of a 15,000 square foot aeronautical vocational training center in partnership with the Baldwin County Board of Education and a two-year college system. The Fairhope Economic and Industrial Board requested \$4.9 million to develop an aeronautical based industrial park. Both of these projects would be economic engines for Baldwin County.

Council President Mixon asked Chuck Zunk, Chairman of the Financial Advisory Committee, to respond to Councilmember Quinn’s question regarding the increase in the electric rate. The City Council passed an ordinance which the City set a rate for basic services which would cover the contribution of the City to the General Fund; and to cover operating requirements and capital requirements of the Electric Department. Any other fees for power that come from AMEA in the form of a rate change would be passed on directly to the customer as an adjustment.

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

- 1) Agenda Item number 12 and number 13 were explained as being part of an ALDOT grant for sidewalks. This was the Grading and/or Landscaping Agreement of the State's right-of-way as well as the Cooperative Agreement for maintaining the sidewalks once complete.
- 2) Electric Department – Scott Sligh, Electric Department Superintendent, gave a brief update on the traffic lights being replaced by the new LED lights. This was a grant through the Department of Energy for reduction of energy. He gave an example of two intersections alone would have a savings of approximately \$1,800 per year. He also mentioned that the caution lights are saving energy. The department is working nights to switch out these lights. Mr. Sligh briefly mentioned dark sky friendly lights which have less glare and spill over than other lights.

Public Participation:

1) Paulette Fedor, 104 Cliff Drive, addressed the City Council regarding the Noise Ordinance and said that proposed ordinances need to be posted on the website. She suggested changing the warnings to only one warning and eliminating special events. She questioned whether or not crime would increase or if the ordinance would increase the workload of the Police Department. All entertainment should be indoors. She asked the City Council to reconsider this ordinance and take into consideration citizens comments; and do not turn Fairhope into "Mobile."

2) Jim Horner, 117 Volanta Avenue, addressed the City Council regarding the Noise Ordinance and mentioned the Fly Creek Café new management. We are residential neighborhoods into which Fly Creek chose to locate. These interfaces between businesses and residential owners exist throughout the City. Various subdivisions are in close proximity to businesses. Mr. Horner stated the main issue with the ordinance is enforcement. Mr. Horner and wife called 17 times regarding noise and 6 times had to make multiple phone calls. After these calls, there has been no citation. There was a special event permit approved that violated almost every step of the permit process. Mr. Horner stated he was not against businesses playing music and playing it at a reasonable level.

3) Catherine Cromartie, 506 Trace Crossing, addressed the City Council regarding the Noise Ordinance and mentioned the concern with this ordinance was the special events. She questioned who would be responsible for notifying the residents of these special events and puts some undue restraints on businesses. We want to do what is right, but feel there are some restrictions that inhibit them from continuing business as we have done for many years.

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4) Michael Lucci, 22450 Scenic Highway 98, addressed the City Council regarding the Noise Ordinance and said the Special Events Section is a loop hole in the ordinance. A business owner can frequently plan an event and disturb my neighborhood.

5) Jason McCormick, attorney representing Tricia Niemeyer and Fly Creek Café, addressed the City Council regarding the Noise Ordinance. The present noise ordinance adopted is unenforceable and unconstitutional. He stated the new ordinance needs to be objective and constitutional. The Special Events Section only has two permits available for events in 365 days and two events would not be enough to handle just the Mardi Gras events in Fairhope.

6) Sam Crosby, attorney representing Tricia Niemeyer and Fly Creek Café, addressed the City Council regarding the Noise Ordinance. He said there are wonderful people on both sides if this issue. His firm represents two municipalities in Baldwin County, so we regularly deal with issues involving municipal ordinances. The Alabama League of Municipalities distributes and recommends the Mobile Ordinance. This model ordinance has been tested constitutionally, is enforceable, and is fair to businesses and citizens. It has objective standards in terms of decibel limits. He said the City Council should adopt Mobile's ordinance verbatim.

7) Scott Jackson, Environmental Consultant speaking on behalf of Fly Creek Café, addressed the City Council regarding the Noise Ordinance and stated his main concern with the proposed ordinance is the 50 db(a) anytime day or night. This is problematic because background levels are lower at night and 50 db(a) is extremely low at anytime, especially during daytime hours.

8) Reg Patterson, 6066 Nelson Road, addressed the City Council regarding the Noise Ordinance. Mr. Patterson said he retired from Birmingham to Fairhope and is also an investor who develops property. Fairhope is Americana at its best and Norman Rockwell would love this picture. He mentioned there was nothing else to do in Fairhope, at night time, except going out to dinner. Mr. Patterson also stated he was at Fly Creek Café one night when the Police showed up when the band was playing and thought this was a normal sound to him. He drove around the resident side on the dirt road and the music was modest; but on Volanta near the Yacht Club he could not hear the music.

9) Dan Nuttle, 10301 Windmill Road, addressed the City Council regarding the Resolution for Landscaping Services and echoed Mayor Kant's sentiments of the City employees. He said don't give up one of the strongest asset of the City. The problem he has seen with outsourcing is once you outsource, you can't get back to where you started from. He urged the City Council to contact the citizens who have lived with both City services and outsourced services and see what their opinions.

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10) Paul Ripp, 22985 High Ridge Road, addressed the City Council regarding Agenda Item #11, #15, and #16. Mr. Ripp stated he agreed with the outsourcing and savings would be under \$100,000. Public participation has been wrecked through the Planning & Zoning and City Council for the last two or three years. It is limited to three minutes and supposed to stay to an agenda item. He reminded the Council that they penalized Shell Brook Point over \$100,000 for violations and did not penalize Publix and Corte for violations.

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution to award bid for Material Handling Truck for the Electric Department (Bid No. 003-11). Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 1719-10

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 Material Handler Truck for the Electric Department (Bid Number 003-11) 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 Material Handler Truck
for the Electrical Department

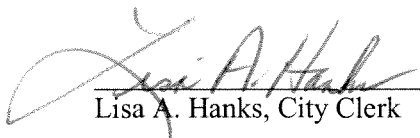
[3] After evaluating the bid proposals with the required bid specifications, Altec Industries, Inc., with the total bid proposal of \$165,653.00, is now awarded the bid for Material Handler Truck for the Electric Department.

Adopted on this 13th day of December, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

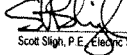
13 December 2010

CITY OF FAIRHOPE
 BID TABULATION RECOMMENDATION
 BID NO: 003-11
 BID NAME: Material Handler Truck
 BID OPENED: November 24, 2010

Note: Bid Bond waived.

VENDOR	Non-Collusion Statement Signed / Notarized	Bid Proposal Executed / Signed / Notarized	Delivery lead time ARO	Instructions /Specification Compliance	Manufacturer	Model	chassis	Bid Price per Unit
WORKTRUX, LLC	N/R							
TRUCK EQUIPMENT SALES, INC.	YES	YES	145-170 DAYS		2011 International 4400	Versalift V0355X-MHII Knapheide 6165 HC LINE BODY	International	\$169,480
	YES	YES	145-170 DAYS		2011 Freightliner M2	Versalift V03555X-MHII, Knapheide 6165 HC-Line Body	Freightliner	\$167,050
	YES	YES	145-170 DAYS		2011 Ford F750	Versalift V0355X-MHII Knapheide 6165 HC-Line Body	Ford	\$163,285
CONQUEST TRUCKS / SOUTHERN TRUCKS	N/R							
CHRIS MYERS	N/R							
CHRIS MYERS-Mobile	N/R							
WARD INTERNATIONAL	N/R							
ALTEC INDUSTRIES, INC	YES	YES	240 DAYS		ALTEC	AM55E	International	\$165,653
TEREX UTILITIES, INC.	N/R							
KENWORTH AND VOLVO OF MOBILE	N/R							
INGRAM EQUIPMENT	N/R							
COASTAL MACHINERY CO.	N/R							
GULF COAST TRUCK & EQUIPMENT CO.	N/R							

Recommendation: Award bid to Altec Industries, Inc. for their bid of \$165,653.00

 12/1/2010
 Scott Sligh, P.E., Electric Superintendent

To the best of my knowledge this is a true and accurate bid tabulation

 12/1/2010
 Daniel P. Ames, Purchasing Manager

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution to award bid for Fire Truck Outfitted for the Fire Department (Bid No. 004-11). Seconded by Councilmember Ford, motion passed unanimously by voice vote.

13 December 2010

RESOLUTION NO. 1720-10

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

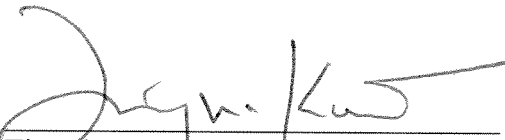
[1] That the City of Fairhope did request, receive, and open bids for Fire Truck Outfitted for the Fire Department (Bid Number 004-11) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for Fire Truck Outfitted
for the Fire Department

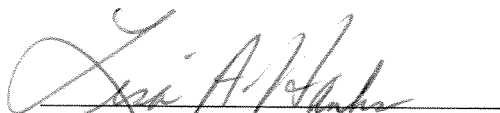
[3] After evaluating the bid proposals with the required bid specifications, Sunbelt Fire Apparatus, with the total bid proposal of \$389,874.00, is now awarded the bid for Fire Truck Outfitted for the Fire Department.

Adopted on this 13th day of December, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

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13 December 2010

CITY OF FAIRHOPE
 BID TABULATION AAND RECOMMENDATION
 BID NAME: FIRE TRUCK OUTFITTED
 BID NO: 004-11
 BID OPENED: November 17, 2010
 Note: Bid Bond waived.

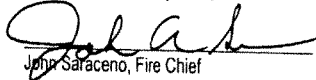
VENDOR	Bid Proposal Executed / Signed / Notarized	Delivery lead time ARO	Bid Price per Delivered Unit	Manufacturer	Model	Bid meets Specifications
SUNBELT FIRE APPARATUS	YES	180 Days	\$389,874.00	E-ONE	CAR48-Typhoon	YES see note 2
PRO FIRE EQUIPMENT, LLC.	YES	225 Days	\$380,954.00	Pierce MFG.	Saber	NO see note 1
NAFECO	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
HERITAGE FIRE EQUIPMENT	No Response	No Response	No Response	No Response	No Response	No Response
FERRARA FIRE APPARATUS, INC	No Response	No Response	No Response	No Response	No Response	No Response
KME FIRE APPARATUS	No Response	No Response	No Response	No Response	No Response	No Response
PIERCE MANUFACTURING, INC	No Response	No Response	No Response	No Response	No Response	No Response
PRO FIRE APPARATUS	No Response	No Response	No Response	No Response	No Response	No Response

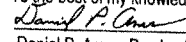
NOTE 1: a. The Pierce vehicle proposed includes a side mount pump panel which does not allow operator view of entire fire scene.

b. The Pierce vehicle proposed is not equipped with the required roll over protection.

NOTE 2: Sunbelt Fire Apparatus is located within Fairhope's city limits, therefore, the 3% local vendor allowance by State Law applies.

Recommendation: Award bid to Sunbelt Fire Apparatus, for their bid of \$389,874.00

 11.18.2010
 John Saraceno, Fire Chief

To the best of my knowledge this is a true and accurate bid tabulation
 11/18/2010
 Daniel P. Ames, Purchasing Manager

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

13 December 2010

RESOLUTION NO. 1721-10

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 Truck 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: 4011411


2011 Ford F-150 Pickup Truck Total Cost is \$21,652.00 each

Adopted on this 13th day of December, 2010



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 to award bid for Three Year Lease for a Backhoe for the Water Department (Bid No. 002-11). Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

13 December 2010

RESOLUTION NO. 1722-10

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

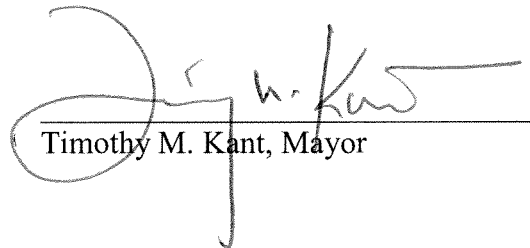
[1] That the City of Fairhope did request, receive, and open bids for a Three Year Lease for a Backhoe for the Fairhope Water Department (Bid Number 002-11) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for Three Year Lease
for a Backhoe for the Water Department

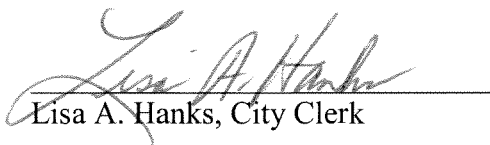
[3] After evaluating the bid proposals with the required bid specifications, Thompson Tractor Company, Inc., with the total bid proposal of \$93,108.90, is now awarded the bid for Three Year Lease for a Backhoe for the Water Department

Adopted on this 13th day of December, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

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13 December 2010

CITY OF HOPE
 BID TABULATION
 BID NO.: 022-11
 BID NAME: BACKHOE LEASE
 BID OPENED: November 18, 2010 10:00 a.m.
 Note: Bid Bond waived.

VENDOR	Bid Proposal Executed / Signed / Notarized	Delivery lead time ARO	Instructions /Specification Compliance	Manufacturer/ Model	Model	36 Month Lease (per month)	36 Month Lease (total)	36 Month Lease w/Purchase @ Lease End (per month)	36 Month Lease w/Purchase @ Lease End (buyout)	36 Month Lease w/Purchase @ Lease End (total)
Thompson Tractor Company, Inc.	Yes	3 Days	Yes	Caterpillar	420-E	\$2,390.16	\$86,061.96	\$1,462.10	\$40,473.30	\$83,108.90
Tractor & Equipment Company	Yes	30 Days	No	Komatsu	WB146-5	\$2,458.83	\$88,517.88	\$2,458.83	\$40,950.00	\$129,467.88
Beard Equipment Company-- Mobile	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Beard Equipment Company--Pensacola	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Cowin Equipment	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response
USA	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response
Foley Implement Company	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response
M & I Equipment & Engine Company	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response
Ingram Equipment Company, LLC	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response
Baruch & Company	No Response	No Response	No Response	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	No Response	No Response	No Response
Pitman Tractor Company	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response	No Response
Hertz Equipment Rental Corporation	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid

RECOMMENDATION: Award the bid to Thompson Tractor Company, Inc. for their bid in the amount of \$88,108.90

[Signature]
 Dan McCrory, Supervisor of Water & Sewer Depts. 11/19/10

To the best of my knowledge this is an accurate bid tabulation
[Signature]
 Daniel P. Ames, Purchasing Manager 11/19, 2010

Councilmember Quinn moved to amend the resolution to award bid for Landscaping Services for the Public Works Department by reducing the total bid proposal from \$106,752.00 to \$106,153.97. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution as amended, a resolution to award bid for Landscaping Services for the Public Works Department (Bid No. 023-10). The motion was seconded by Councilmember Kingrea.

13 December 2010

Mayor Kant stated that he did not recommend the outsourcing of the City's mowing. Councilmember Ford said he did not approve of the outsourcing and we are just saving a few bucks. If there is a problem in the City, we call our people and they will be there. Years ago we outsourced trash and ended up taking back after complaints. Councilmember Ford said we have employees that are dedicated to the City, we have \$13 million in the bank, and it is working right now.

Councilmember Stankoski asked; how much are we going to save. Jennifer Fidler, Public Works Director, replied the savings will be around \$100,000 per year. She mentioned not having the people to keep services as they are and it is all about details. Councilmember Stankoski replied the four employees are going to the Sanitation Department, so you won't be losing those employees. You will still have the Commercial Driver Licenses, the CPR training, and the Chain Saw training because these employees are not going anywhere.

Councilmember Kingrea stated if you outsource mowing, the four employees are still in your department. You still have the expertise in your department. We can try a year and see if it works or does not work. Ms. Fidler said she has 55 employees budgeted for this year, but next year only 51 employees will be budgeted. Arthur Bosarge, Assistant Public Works Director, said that in the winter time these employees pull flowers, fill potholes, help with street crews, help catch up other departments in Public Works, etc. Once they are moved to the Sanitation Department, we cannot use them to help in winter time. Mayor Kant stated we need four to five part-time people to train to fill in.

Councilmember Ford mentioned these are the people who know the department and we put our faith in them. Councilmember Quinn said these people are not mowing for two months out of the year. She suggested possibly using retirees to help with catch up work and trying the outsourcing for a year.

After further discussion, motion passed by the following voice votes: AYE – Quinn, Mixon, and Kingrea. NAY – Stankoski and Ford.

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13 December 2010

RESOLUTION NO. 1723-10

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

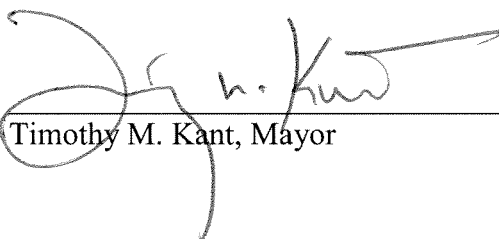
[1] That the City of Fairhope did request, receive, and open bids for Landscaping Services for the Public Works Department (Bid Number 023-10) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for Landscaping Services
for the Public Works Department

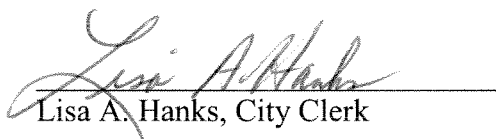
[3] After evaluating the bid proposals with the required bid specifications, Jubilee Landscape, Inc., with the total bid proposal of \$106,153.97, is now awarded the bid for Landscaping Services for the Public Works Department.

Adopted on this 13th day of December, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

*

*

13 December 2010

BID TABULATION and RECOMMENDATION REVISED
 BID NO. : 023-10
 BID NAME: LANDSCAPING SERVICES
 BID OPENED: 10-29-10
 Note: Bid Bond waived

VENDOR	Non-Collusion Statement Signed / Notarized	Bid Proposal Executed / Signed / Notarized	Delivery lead time ARO	Instructions /Specification Compliance	Location: 3.1	Location: 3.2	Location: 3.3	Location: 3.4
Jim Rillo Landscaping	NO RESPONSE							
Martiniere Landscaping	NO RESPONSE							
Jubilee Landscape, Inc	YES	YES	N/A		\$ 1,652.00	\$ 3,325.00	\$ 59.00	\$ 33.00
Greenco	NO RESPONSE							
INS construction, LLC	NO RESPONSE							
Trojan Landscape, Inc	NO RESPONSE							
Jubilee Landscape Management	NO RESPONSE							
Landscape Workshop	NO RESPONSE							
Falkner Landscape	NO RESPONSE							
GT Landscape	NO RESPONSE							
Chris Francis Landscape	NO RESPONSE							
Coastal Exposures	NO RESPONSE							
Landscape Company LLC	NO RESPONSE							
Coastal Woodland Landscape	NO RESPONSE							
East Bay Landscape	NO RESPONSE							
Summit Landscape Supply	NO RESPONSE							

CITY OF FAIRHOPE
 BID TABULATION and RECOMMENDATION REVISED
 BID NO. : 023-10
 BID NAME: LANDSCAPING SERVICES
 BID OPENED: 10-29-10
 Note: Bid Bond waived

VENDOR	Location: 3.5	Location: 3.6	Location: 3.7	Location: 3.8	Location: 3.9	Location: 3.10	Location: 3.11	Location: 3.12
Jim Rillo Landscaping	NO RESPONSE							
Martiniere Landscaping	NO RESPONSE							
Jubilee Landscape, Inc	\$123.00	\$ 32.00	\$ 39.00	\$ 212.00	\$ 175.00	\$ 267.00	\$ 116.00	\$ 151.00
Greenco	NO RESPONSE							
INS construction, LLC	NO RESPONSE							
Trojan Landscape, Inc	NO RESPONSE							
Jubilee Landscape Management	NO RESPONSE							
Landscape Workshop	NO RESPONSE							
Falkner Landscape	NO RESPONSE							
GT Landscape	NO RESPONSE							
Chris Francis Landscape	NO RESPONSE							
Coastal Exposures	NO RESPONSE							
Landscape Company LLC	NO RESPONSE							
Coastal Woodland Landscape	NO RESPONSE							
East Bay Landscape	NO RESPONSE							
Summit Landscape Supply	NO RESPONSE							

13 December 2010

CITY OF FAIRHOPE
 BID TABULATION and RECOMMENDATION REVISED
 BID NO. 023-10
 BID NAME: LANDSCAPING SERVICES
 BID OPENED: 10-28-10
 Note: Bid Bond waived.

	Location: 3.21	Location: 3.22	Location: 3.23	Location: 3.24	Location: 3.25	Location: 3.26	Location: 3.27
VENDOR							
Jim Rillo Landscaping	NO RESPONSE						
Martiniere Landscaping	NO RESPONSE						
Jubilee Landscape, Inc	\$ 71.00	\$ 26.00	\$ 14.00	\$ 41.00	\$ 28.00	\$ 28.00	\$ 174.00
			see note 2	see note 2		see note 3	
Greenco	NO RESPONSE						
INS construction, LLC	NO RESPONSE						
Trojan Landscape, Inc	NO RESPONSE						
Jubilee Landscape Management	NO RESPONSE						
Landscape Workshop	NO RESPONSE						
Falkner Landscape	NO RESPONSE						
GT Landscape	NO RESPONSE						
Chris Francis Landscape	NO RESPONSE						
Coastal Exposures	NO RESPONSE						
Landscape Company LLC	NO RESPONSE						
Coastal Woodland Landscape	NO RESPONSE						
East Bay Landscape	NO RESPONSE						
Summit Landscape Supply	NO RESPONSE						

CITY OF FAIRHOPE
 BID TABULATION and RECOMMENDATION REVISED
 BID NO. 023-10
 BID NAME: LANDSCAPING SERVICES
 BID OPENED: 10-29-10
 Note: Bid Bond waived.

	Location: 3.28	Location: 3.29	Location: 3.30	Location: 3.31	Location: 3.32	Location: 3.33	Location: 3.34	Location: 3.35
VENDOR								
Jim Rillo Landscaping	NO RESPONSE							
Martiniere Landscaping	NO RESPONSE							
Jubilee Landscape, Inc	\$ 19.00	\$ 16.00	\$ 16.00	\$ 72.00	\$ 18.00	\$ 39.00	\$ 27.00	\$ 9.00
	see note 2	see note 2	see note 2	see note 2	see note 2	see note 2	see note 2	see note 2
Greenco	NO RESPONSE							
INS construction, LLC	NO RESPONSE							
Trojan Landscape, Inc	NO RESPONSE							
Jubilee Landscape Management	NO RESPONSE							
Landscape Workshop	NO RESPONSE							
Falkner Landscape	NO RESPONSE							
GT Landscape	NO RESPONSE							
Chris Francis Landscape	NO RESPONSE							
Coastal Exposures	NO RESPONSE							
Landscape Company LLC	NO RESPONSE							
Coastal Woodland Landscape	NO RESPONSE							
East Bay Landscape	NO RESPONSE							
Summit Landscape Supply	NO RESPONSE							

13 December 2010

CITY OF FAIRHOPE
 BID TABULATION and RECOMMENDATION REVISED
 BID NO. 023-10
 BID NAME: LANDSCAPING SERVICES
 BID OPENED: 10-29-10
 Note: Bid Bond waived.

VENDOR	Location: 3.36	Location: 3.37	Location: 3.38	Location: 3.39	Location: 3.40	Location: 3.41	Location: 3.42	Location: 3.43
Jim Rillo Landscaping	NO RESPONSE							
Martiniere Landscaping	NO RESPONSE							
Jubilee Landscape, Inc	\$ 214.00	\$ 53.00	\$ 9.00	\$ 10.00	\$ 10.00	\$ 22.00	\$ 23.00	\$ 22.00
Greenco	see note 2			see note 2	see note 2	see note 2	see note 2	see note 2
INS construction, LLC	NO RESPONSE							
Trojan Landscape, Inc	NO RESPONSE							
Jubilee Landscape Management	NO RESPONSE							
Landscape Workshop	NO RESPONSE							
Falkner Landscape	NO RESPONSE							
GT Landscape	NO RESPONSE							
Chris Francis Landscape	NO RESPONSE							
Coastal Exposures	NO RESPONSE							
Landscape Company LLC	NO RESPONSE							
Coastal Woodland Landscape	NO RESPONSE							
East Bay Landscape	NO RESPONSE							
Summit Landscape Supply	NO RESPONSE							

CITY OF FAIRHOPE
 BID TABULATION and RECOMMENDATION REVISED
 BID NO. 023-10
 BID NAME: LANDSCAPING SERVICES
 BID OPENED: 10-29-10
 Note: Bid Bond waived.

VENDOR	Location: 3.44	Location: 3.45	Location: 3.46	Location: 3.47	Location: 3.48	Location: 3.49	Location: 3.50
Jim Rillo Landscaping	NO RESPONSE						
Martiniere Landscaping	NO RESPONSE						
Jubilee Landscape, Inc	\$ 137.00	\$ 46.00	\$ 258.00	\$ 94.00	\$ 25.00	\$ 21.00	\$ 23.00
Greenco	see note 2	see note 2		see note 2	see note 2	see note 2	see note 2
INS construction, LLC	NO RESPONSE						
Trojan Landscape, Inc	NO RESPONSE						
Jubilee Landscape Management	NO RESPONSE						
Landscape Workshop	NO RESPONSE						
Falkner Landscape	NO RESPONSE						
GT Landscape	NO RESPONSE						
Chris Francis Landscape	NO RESPONSE						
Coastal Exposures	NO RESPONSE						
Landscape Company LLC	NO RESPONSE						
Coastal Woodland Landscape	NO RESPONSE						
East Bay Landscape	NO RESPONSE						
Summit Landscape Supply	NO RESPONSE						

13 December 2010

CITY OF FAIRHOPE
 BID TABULATION and RECOMMENDATION REVISED
 BID NO : 023-10
 BID NAME: LANDSCAPING SERVICES
 BID OPENED: 10-29-10
 Note: Bid Bond waived.

VENDOR	Location: 3.59	Location: 3.60	Location: 3.61	Location: 3.62	Location: 3.63	Location: 3.64	Location: 3.65	Location: 3.66
Jim Rillo Landscaping	NO RESPONSE							
Martiniere Landscaping	NO RESPONSE							
Jubilee Landscape, Inc	\$ 10.00	\$ 10.00	\$ 4.00	\$ 315.00	\$ 8.00	23.00	\$ 17.00	\$ 6.00
Greenco	see note 2	see note 2	see note 2	see note 3		see note 2	see note 2	see note 2
INS construction, LLC	NO RESPONSE							
Trojan Landscape, Inc	NO RESPONSE							
Jubilee Landscape Management	NO RESPONSE							
Landscape Workshop	NO RESPONSE							
Falkner Landscape	NO RESPONSE							
GT Landscape	NO RESPONSE							
Chris Francis Landscape	NO RESPONSE							
Coastal Exposures	NO RESPONSE							
Landscape Company LLC	NO RESPONSE							
Coastal Woodland Landscape	NO RESPONSE							
East Bay Landscape	NO RESPONSE							
Summit Landscape Supply	NO RESPONSE							

CITY OF FAIRHOPE
 BID TABULATION and RECOMMENDATION REVISED
 BID NO : 023-10
 BID NAME: LANDSCAPING SERVICES
 BID OPENED: 10-29-10
 Note: Bid Bond waived.

VENDOR	Location: 3.67	Location: 3.68	Location: 3.69	Location: 3.70	Location: 3.71	Location: 3.72	Location: 3.73	Location: 3.74
Jim Rillo Landscaping	NO RESPONSE							
Martiniere Landscaping	NO RESPONSE							
Jubilee Landscape, Inc	\$ 19.00	\$ 6.00	\$ 8.00	\$ 6.00	\$ 33.00	\$ 151.00	\$ 8.00	\$ 7.00
Greenco	see note 2	see note 2	see note 2	see note 2	see note 2	see note 2	see note 2	see note 2
INS construction, LLC	NO RESPONSE							
Trojan Landscape, Inc	NO RESPONSE							
Jubilee Landscape Management	NO RESPONSE							
Landscape Workshop	NO RESPONSE							
Falkner Landscape	NO RESPONSE							
GT Landscape	NO RESPONSE							
Chris Francis Landscape	NO RESPONSE							
Coastal Exposures	NO RESPONSE							
Landscape Company LLC	NO RESPONSE							
Coastal Woodland Landscape	NO RESPONSE							
East Bay Landscape	NO RESPONSE							
Summit Landscape Supply	NO RESPONSE							

13 December 2010

GT Landscape	NO RESPONSE								
Chris Francis Landscape	NO RESPONSE								
Coastal Exposures	NO RESPONSE								
Landscape Company LLC	NO RESPONSE								
Coastal Woodland Landscape	NO RESPONSE								
East Bay Landscape	NO RESPONSE								
Summit Landscape Supply	NO RESPONSE								

NOTE 1:
 Recommendation below includes areas not listed individually above, calculated by using hourly bid amounts.
 Area 1 Gayfer Ave. between N. Section St. and Patsynn St. \$ 1,672/yr.
 Area 2 Fairhope Ave between Hwy 181 and River Mill St. 160/yr.
 Area 3 Hwy 104 between Section St. and Hwy 68 \$1976/yr.

NOTE 2:
 Area to be maintained by City Forces

NOTE 3:
 Arm mowing to be performed by City Forces for the following areas.
 Prices to be reduced as follows:
 3.16= (\$39.38/year)
 3.17=(\$155.87/year)
 3.20=(\$24.06/year)
 3.26=(\$37.19/year)
 3.62=(\$437.53/year)
 Total yearly reduction: \$694.03/year

Recommendation: Award bid to JUBILEE LANDSCAPE, INC for their bid with note #inclusions of \$106,153.87

Jennifer Miller 12/13/10
 Jennifer Miller, Public Works Director

To the best of my knowledge this is a true and accurate bid tabulation

Daniel P. Ames 12/13/10
 Daniel P. Ames, Purchasing Manager

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to enter into an agreement with the Alabama Department of Transportation for the grading and/or landscaping of State Right-of-Way located and described: Construct a 6' wide concrete sidewalk along the East side of U. S. Highway 98 from Spring Run Road to Southland Boulevard in Fairhope, Alabama. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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13 December 2010

RESOLUTION NO. 1724-10

BE IT RESOLVED, BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE AS FOLLOWS:

1. WHEREAS, the City of Fairhope, Alabama enter into an agreement with the Alabama Department of Transportation, acting by and through its Transportation Director hereinafter referred to as the STATE for:

The grading and/or landscaping STATE Right-of-Way located and described as follows: Construct a 6' wide concrete sidewalk along the East side of U. S. Highway 98 from Spring Run Road to Southland Boulevard in the City of Fairhope. Construction to include installation of pedestrian cross walks and necessary storm drainage culverts.

2. WHEREAS, the agreement shall be executed in the name of the City of Fairhope, by its Mayor Timothy M. Kant, for and on its behalf.
3. WHEREAS, the agreement shall be attested by the City Clerk Lisa A. Hanks, and the seal of the City of Fairhope affixed thereto.

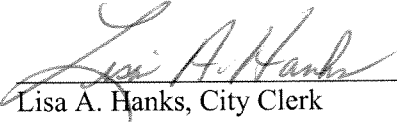
BE IT FURTHER RESOLVED that upon the completion of the execution of the Agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

Adopted and Approved this 13th day of December, 2010.



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 Mayor Kant to enter into an agreement with the Alabama Department of Transportation for the Cooperative Maintenance of State Right-of-Way to secure a more efficient and safe traffic flow within the city limits of Fairhope, Alabama along Route U. S. Highway 98 and agrees to maintain the existing sidewalk from milepost 46.3 to 47.75. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

13 December 2010

RESOLUTION NO. 1725-10

BE IT RESOLVED, BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE AS FOLLOWS:

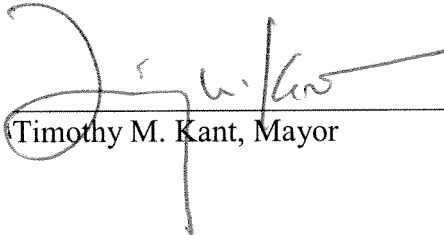
1. WHEREAS, the City of Fairhope, Alabama, enters into an agreement with the Alabama Department of Transportation, acting by and through its Transportation Director hereinafter referred to as the STATE for:

The Cooperative Maintenance of public right-of-way to secure a more efficient and safe traffic flow within the city limits of Fairhope, Alabama along Route U. S. Highway 98 (Greeno Road), the City of Fairhope agrees to maintain the existing sidewalk in the state right-of-way from milepost 46.3 to 47.75.

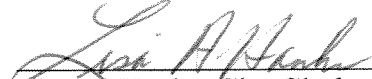
2. WHEREAS, the agreement shall be executed in the name of the City of Fairhope, by its Mayor Timothy M. Kant, for and on its behalf.
3. WHEREAS, the agreement shall be attested by the City Clerk Lisa A. Hanks, and the seal of the City of Fairhope affixed thereto.

BE IT FURTHER RESOLVED that upon the completion of the execution of the Agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

Adopted and Approved this 13th day of December, 2010.


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, City Clerk

Councilmember Kingrea moved to amend the Ordinance establishing the City of Fairhope's Noise Ordinance which replaces and repeals Ordinance No. 554, Ordinance No. 1100, Ordinance No. 1401, and Ordinance No. 1424. (Introduced at the November 8, 2010 City Council Meeting) by amending the following:

13 December 2010

1) In Section 12-3 change “within the City or its police jurisdiction” to “within the corporate limits of the City.”

2) In Section 12-4 (c)(1) and (c)(2) change “which exceeds 85 db(a) during the hours of 6:00 a.m. until 10:00 p.m. and 50 db(a) during the hours from 10:00 p.m. until 6:00 a.m. on Thursday through Sunday, or which exceeds 50 db(a) any time on Monday through Wednesday at any property line” to “which exceeds 85 db(a) during the hours of 6:00 a.m. through 10:00 p.m. and 50 db(a) during the hours from 10:00 p.m. until 6:00 a.m. at the corner of residence nearest the source of the sound.”

3) In Section 12-5.2 (a) delete the first and last sentences as well as the words after subsection (b) in the second sentence. This section will now read: “Any time an individual, business and/or group plans to host an event that will not adhere to the rules and regulations as written in this ordinance, that entity must get a permit as set forth in subsection (b).”

Seconded by Councilmember Quinn, motion passed by the following voice votes: AYE – Quinn, Mixon, Ford, and Kingrea. NAY – Stankoski.

Councilmember Quinn moved to amend the Ordinance establishing the City of Fairhope’s Noise Ordinance which replaces and repeals Ordinance No. 554, Ordinance No. 1100, Ordinance No. 1401, and Ordinance No. 1424. (Introduced at the November 8, 2010 City Council Meeting) by changing in Section 12-5.2 (b) from “Application, petition and/or written permission, and notification must be submitted to the City of Fairhope eight (8) weeks prior to the event to the Designated City Official” to “two (2) weeks prior to the event to the Designated City Official.” Seconded by Councilmember Ford, motion failed by the following voice votes: AYE – Quinn and Ford. NAY – Stankoski, Mixon, and Kingrea.

Councilmember Stankoski moved to amend the Ordinance establishing the City of Fairhope’s Noise Ordinance which replaces and repeals Ordinance No. 554, Ordinance No. 1100, Ordinance No. 1401, and Ordinance No. 1424. (Introduced at the November 8, 2010 City Council Meeting) by deleting Section 12-5.2 Special Events. Seconded by Councilmember Ford, motion failed by the following voice votes: AYE – Stankoski. NAY – Quinn, Mixon, Ford, and Kingrea.

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. Seconded by Councilmember Kingrea, motion failed for lack of a unanimous vote. This ordinance will layover for final adoption at the next regular City Council meeting.

13 December 2010

Councilmember Kingrea introduced in writing an Ordinance establishing the City of Fairhope's Tree Ordinance which replaces and repeals Ordinance No. 1193, Ordinance No. 1223, and Ordinance No. 1351. Since there was no motion for immediate consideration, this ordinance will layover until the December 27, 2010 City Council meeting.

City Council reviewed an application for a Restaurant Liquor License by Darla Scott, Darla Corporation, L.L.C., d/b/a The Pub, located at 311 Fairhope Avenue, Fairhope, Alabama. Councilmember Kingrea moved to approve the issuance of the license. Seconded by Councilmember Ford, 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 based on Section 36-25A-7(a)(3) to discuss pending litigation and possible settlement options regarding said pending litigation. The approximate time to be in Executive Session is 20 minutes. Councilmember Ford moved to go into Executive Session. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

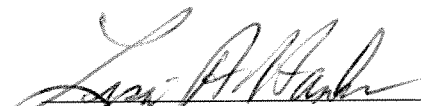
Exited the dais at 7:37 p.m. Returned at 7:43 p.m.

Councilmember Ford moved to authorize Mayor Timothy M. Kant to settle the Milanowski case. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:44 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, CMC
City Clerk