

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 June 2010.

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

There being a quorum present, Council President Mixon called the meeting to order. The invocation was given by Reverend William Parsons, Pastor of Redeemer Lutheran Church and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 24 May 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 24 May 2010, work session. 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 4 June 2010, special-called meeting. He then stated if there are no corrections, the minutes stand approved as written.

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

- 1) Traffic Controls at Oak and Section Street. Jennifer Fidler stated that they had taken out the lines and moved the middle lane. Parallel parking in front of the Police Station was questioned.
- 2) Nichols Street Deck. City Attorney Wynne stated that preliminary findings show that there is no authority where the City cannot complete deck which road/street has never been open to the public. We are still looking into the issue.
- 3) Church Street and St. James parking spaces. Jennifer Fidler stated that the parking spaces that were too small have been corrected.
- 4) Painting beds with luminary paint. Jennifer Fidler said that she was looking for a reflective/glistening type of substance. Time frame was stated approximately a month to finish.
- 5) Recycling was questioned regarding cardboard. Jennifer Fidler stated that the City recycles cardboard, paper, plastic, aluminum, batteries, computers, grease, etc. The only item that is an issue is glass.
- 6) ALDOT letter regarding cutting was brought up. Jennifer Fidler explained this is not unusual to get a letter from ALDOT. We get these any time cutting is being done.

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- 7) Boat still docked at the Yacht Club. Gregg Mims explained that a Loxley group bought the boat and now it is out of the care and custody of Fairhope.
- 8) Ken Eslava gave an update on oil spill and answered the question will the boom keep the oil out. He also discussed the following items:
 - (a) The best line of defense is boom
 - (b) The absorbent boom is the second line of defense
 - (c) We have a proposal for \$1.3 million for beach cleanup. We could get 60 to 80 people within 24 hours.

Councilmember Ford mentioned the meeting with fishermen and stated Ken handled this issue well. He also mentioned Mayor Kant meeting with President Obama and BP officials. Mayor Kant asked about our fishermen and they were moved to the top of the list.

Councilmember Quinn questioned hair boom. Ken Eslava replied it is best for shoreline cleanup. She commended Ken Eslava for his work with the oil spill and Gregg Mims for keeping everyone informed via e-mails.

Council President Mixon announced we had a Boy Scout in our audience and asked him to introduce himself. The Boy Scout was Ethan Andrews from Daphne.

Councilmember Quinn gave an update on her trip to Washington, D.C. for the National League on Cities. She mentioned the Climate Change Bill, Transportation Bill, update on the oil crisis, and changing federal policy. Councilmember Quinn requested the City Council to approve reimbursement of her expenses for this trip which are approximately \$670.00. Councilmember Kingrea moved to approve reimbursement of expenses to Councilmember Quinn for her trip to Washington, D.C. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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

- 1) Sales Tax Collection and Administration. He mentioned that switching to Revenue Discovery System from the Alabama Department of Revenue would be a savings of approximately \$47,000.00.
- 2) BP Oil Spill – National Guard went door-to-door to businesses and now have a temporary office at 555 South Section Street. After filing a claim, City Staff will work for resolving any issues. We hired a gentleman to assist out on the water and make sure our protective measures are kept in place. We are still having vandalism with our boom. The cost for this individual will be billed directly to BP.

Chief Bill Press addressed the City Council and introduced our newest Police Officers who recently graduated from the Mobile Police Academy: Ron Wells who was the Leader of the class; Brady McLaughlin who was Class President, top shooter, and had the top grade for the class; and Daniel Rata who was the Chaplain.

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Gregg Mims addressed the City Council and presented plaques to Bob Mannich and Stan Grubin for their service on the Board of Adjustment and Appeals.

Councilmember Kingrea moved to appoint the Budget Committee for the fiscal year 2011: Stan Grubin (Chairman), Lonnie Mixon (Council liaison), Pam Caudill and Charles Zunk (members), Gregg Mims, Nancy Wilson, Rose Fogarty, and James Gillespie. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

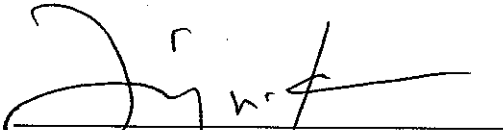
Councilmember Stankoski moved to approve the appointment of John Taratsas to replace Bill Payne on the Fairhope Museum Advisory Board for a three year term. The term will expire in June 2013. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution to approve and authorize the City of Fairhope to execute a Memorandum of Understanding between The Alabama Department of Public Health and the City of Fairhope, Alabama. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1655-10

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby approves and authorizes the City of Fairhope to execute a Memorandum of Understanding between The Alabama Department of Public Health and The City of Fairhope, Alabama.

Adopted on this 14th day of June, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

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Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to cancel Bid No. 017-10 for Solid Waste Collection and Disposal and rebid as Bid No. 024-10 Solid Waste Collection and Disposal Rebid. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

RESOLUTION NO. 1656-10

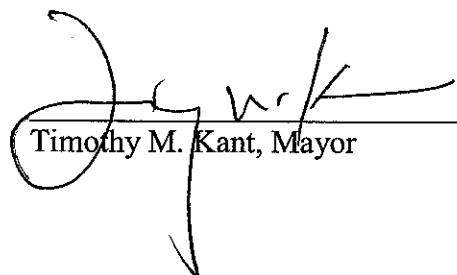
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That Bid No. 017-10 for Solid Waste Collection and Disposal is hereby cancelled.

[2] That the City of Fairhope will rebid as Bid No. 024-10 Solid Waste Collection and Disposal Rebid.

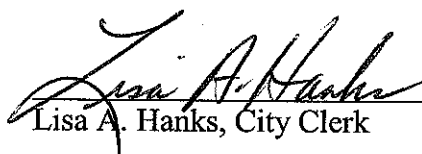
This rebid is to clarify numerous inclusions and exclusions to the original bid, better covered by a clear rebid than a series of addenda.

Adopted on this 14th day of June, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

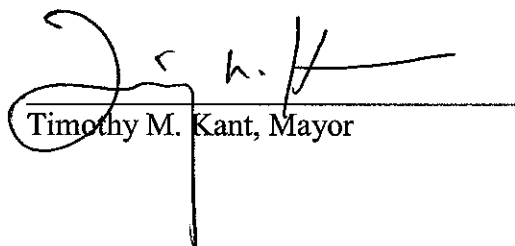
Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Administration has authorization to obtain three proposals for Engineering Services to develop the scope of work, estimate cost of project, etc. to repair the Fairhope Football Stadium. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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RESOLUTION NO. 1657-10

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Administration has authorization to obtain three proposals for Engineering Services to develop the scope of work, estimated cost of project, etc. to repair the Fairhope Football Stadium.

Adopted on this 14th day of June, 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 to award Bid for the Disaster Debris Removal and Disposal Contract (Bid No. 018-10) and authorize Mayor Timothy M. Kant to execute the Contract for the City of Fairhope. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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RESOLUTION NO. 1658-10

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 the Disaster Debris Removal and Disposal Contract (Bid Number 018-10) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

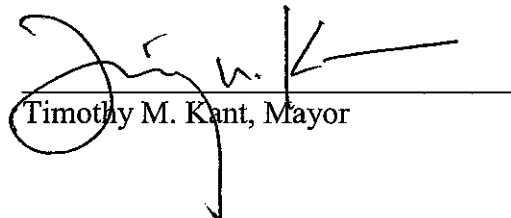
[2] At the appointed time and place, the following bids were opened and tabulated as follows:

Please see attached Bid Tabulation for the
Disaster Debris Removal and Disposal Contract

[3] After evaluating the bid proposals with the required bid specifications, James Bros. Excavating, Inc., is now awarded the bid for the Disaster Debris Removal and Disposal Contract, as needed after disaster, based on per unit cost as specified in Bid Tabulation.

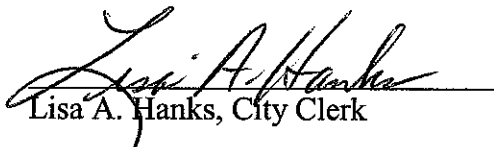
[4] That Mayor Timothy M. Kant is hereby authorized to execute the Disaster Debris Removal and Disposal Contract with James Bros. Excavating, Inc. for the City of Fairhope.

Adopted on this 14th day of June, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

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City of Fairhope													
BID TABULATION & RECOMMENDATION													
RD NO.: 018-10 Quarter Debris Removal & Disposal													
VENDOR:													
	D&J Enterprise	Asphalt Services	James Bros. Excav.	Bamarco, Inc.	Starfish, Inc.	Burford's Tree	DRC Emerg Service	Roads, Inc.	Pittman Tractor	Crowder Gull	Spotswood Tree	IED	
*QTY	Cost/Unit	Cost/Unit	Cost/Unit	Cost/Unit	Cost/Unit	Cost/Unit	Cost/Unit	Cost/Unit	Cost/Unit	Cost/Unit	Cost/Unit	Cost/Unit	
#1) Mob. Demob		\$ 1,000.00	\$ -	\$ -	\$ 1.00	\$ -	Not at Pre-Bid	\$ -	\$ 2,000.00	No Response	\$ -	No Response	\$ -
#2) Debris Rem 0-15	108000	\$ 4.95	\$ 8.90	\$ 5.78	\$ 4.83	\$ 6.00		\$ 5.84	\$ 4.80		\$ 7.00		\$ 5.25
#3) Debris Rem 16-30		\$ 5.50	\$ 9.70	\$ 6.28	\$ 5.58	\$ 6.75		\$ 7.62	\$ 5.65		\$ 7.50		\$ 5.25
#4) To Tiers Site 0-15	108000	\$ 4.00	\$ 2.25	\$ 2.48	\$ 2.00	\$ 6.00		\$ 3.00	\$ 4.10		\$ 3.00		\$ 3.00
#5) To Tiers Site 16-30		\$ 5.00	\$ 3.25	\$ 2.78	\$ 2.50	\$ 6.75		\$ 5.84	\$ 4.60		\$ 4.00		\$ 4.50
#6) To Final Site 0-15		\$ 4.95	\$ 8.90	\$ 6.78	\$ 6.43	\$ 6.00		\$ 6.44	\$ 4.80		\$ 7.00		\$ 7.25
#7) To Final Site 16-30		\$ 5.50	\$ 9.70	\$ 6.98	\$ 6.83	\$ 6.75		\$ 7.84	\$ 5.60		\$ 7.50		\$ 8.25
#8) Tiers Site Manage	108000	\$ 1.50	\$ 1.60	\$ 0.43	\$ 0.75	\$ 1.00		\$ 0.72	\$ 0.75		\$ 1.00		\$ 1.25
#9) Chip or Grading	108000	\$ 2.00	\$ 3.90	\$ 1.78	\$ 1.75	\$ 2.80		\$ 1.85	\$ 1.75		\$ 2.50		\$ 2.00
#10) Burning		\$ 1.60	\$ 2.10	\$ 1.38	\$ 1.00	\$ 1.75		\$ 1.00	\$ 1.10		\$ 1.50		\$ 0.75
#11) White Goods		\$ 75.00	\$ 50.00	\$ 20.00	\$ 35.00	\$ 75.00		\$ 42.00	\$ 45.00		\$ 25.00		\$ 35.00
#12) Hazardous Mat		\$ 12.00	\$ 5.00	\$ 2.00	\$ 0.89	\$ 0.10		\$ 7.84	\$ 1.00		\$ 3.00		\$ 8.00
#13) Freon Manage		\$ 75.00	\$ 60.00	\$ 25.00	\$ 35.00	\$ 75.00		\$ 36.00	\$ 65.00		\$ 60.00		\$ 90.00
#14) Dead Animals		\$ 5.00	\$ 3.00	\$ 0.50	\$ 0.89	\$ 0.05		\$ 1.00	\$ 1.00		\$ 0.50		\$ 3.00
#15) 6" - 21.99" Stump		\$ 25.00	\$ 30.00	\$ -	\$ 38.00	\$ 175.00		\$ -	\$ 25.00		\$ -		\$ 80.00
#16) 12" - 23.99" Stump	189	\$ 100.00	\$ 50.00	\$ 68.00	\$ 98.00	\$ 200.00		\$ 20.00	\$ 50.00		\$ 175.00		\$ 125.00
#17) 24" - 47.99" Stump	62	\$ 300.00	\$ 75.00	\$ 138.00	\$ 200.00	\$ 300.00		\$ 200.00	\$ 350.00		\$ 300.00		\$ 200.00
#18) 48" and > Stump	53	\$ 500.00	\$ 125.00	\$ 188.00	\$ 300.00	\$ 600.00		\$ 200.00	\$ 600.00		\$ 400.00		\$ 275.00
#19) Emer. Rel. Clear		-	150. per hr	-	-	-		-	-		-		-
#20) Debris/Water		-	550. per hr	-	-	n/a		76.00 cy	-		-		-
#21) R.O.E. Program		-	350. per hr	-	-	n/a		9.68 cy	-		-		-
#22) Leaves/Managers		-	300. per hr	-	-	n/a		78. per tree	-		-		-
#23) Structure Demo		-	275. per hr	-	-	n/a		3.84 sf	-		-		-
#24) Haz Waste Abate		-	300. per hr	-	-	n/a		19.60 lbs	-		-		-
#25) Pre-event Temp.		-	45. per hr	-	-	n/a		Tree	-		-		-
*** Comparison Quantities - Hurricane Data		TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	Not at Pre-Bid	TOTAL	TOTAL	No Response	TOTAL	No Response	TOTAL
		\$1,409,600	\$1,818,925	\$1,162,132	\$1,162,462	\$1,708,200		\$1,259,060	\$1,294,150		\$1,530,875		\$1,292,560
RECOMMENDATION: Award the bid to the lowest responsive and responsible bidder; James Broadbent Excavating, Inc.													
Ken Edava, Assistant Public Works Director						To the best of my knowledge this is an accurate Bid Tabulation Daniel P. Ames, Purchasing Manager							

Councilmember Quinn moved for final adoption of Ordinance No. 1426, an Ordinance to establish that the placement, use and investment of City funds will be at the sole discretion of the City Treasurer. (Introduced at the May 24, 2010 City Council Meeting) Seconded by Councilmember Stankoski, motion for final adoption passed unanimously by the following votes: AYE - Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

Councilmember Kingrea moved for final adoption of Ordinance No. 1427, an Ordinance to establish that no waivers or reductions of fees shall be allowed without the approval of the Fairhope City Council. (Introduced at the May 24, 2010 City Council Meeting). Seconded by Councilmember Stankoski, motion for final adoption passed unanimously by the following votes: AYE - Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

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City Council reviewed an application for a Restaurant Liquor License by Michael A. Hennessy, President of Battles Wharf, L.L.C., d/b/a Hennessy's, located at 19344 Scenic Highway 98, Fairhope, Alabama. Councilmember Quinn moved to approve the issuance of the license. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Quinn moved to grant the request of Leon and Carol Saltz for the Eastern Shore Early Childhood Center requesting permission to hold their thirtieth annual Fourth of July parade on July 1, 2010 at 9:30 a.m. and to provide Police Officers to close the small section of Fairhope Avenue for the thirty-minute parade. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Darrellyn Bender, President of the Eastern Shore Chamber of Commerce, thanked the City of Fairhope for their support and assistance with their Arts & Crafts Festival this year. She presented the City of Fairhope with a framed signed 58th Annual Arts and Crafts Festival poster and said they appreciated the work of our City employees. Ms. Bender, on behalf of the Eastern Shore Chamber of Commerce, requested permission for the use of the streets for the 59th Annual Arts and Crafts Festival to be held March 18, 2011 through March 20, 2011. The Eastern Shore Chamber of Commerce requests permission to block the streets from Thursday, March 17, 2011 at 5:00 p.m. through Sunday, March 20, 2011 at 9:00 p.m. All known problems from last year's festival were discussed and hopefully resolved. This year approximately 300,000 visitors came to the festival. Ms. Bender mentioned that the Chamber was helping with Small Business Association loans.

After further discussion, Councilmember Ford moved to grant the request of the Eastern Shore Chamber of Commerce requesting permission to block streets for their 59th annual Arts and Crafts Festival on March 18, 19, and 20, 2011 (in principle). Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Council President Mixon announced for Keith Keppen to address the City Council. Mr. Keppen was not in attendance and this item was not addressed at this time.

Vince Valentim, 203 Perdido Avenue, addressed the City Council on two items. The first item was North Mobile and Summit which dead ends with steps to bay access. He mentioned hearing that the City was to develop this area as a public park. He said there are drinking and other residue left there. He requested the City to put the same signage as other parks and close at 8:00 p.m. and no drinking alcohol. He also mentioned a fire that was down there this morning. The second item was a risk assessment at Section Street near the cemetery. Council President Mixon asked Mr. Valentim to contact Gregg Mims regarding the above issues. Mr. Valentim brought up the Bernhardt Reunion on the 3rd Saturday in October and was told to contact City Clerk Lisa Hanks regarding the waiver.

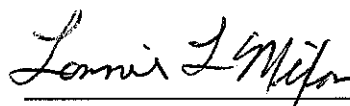
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George Kirchoff, 23273 Main Street, addressed the City Council and requested for them to consider protecting the beaches in Montrose; and not stop just past Rock Creek.

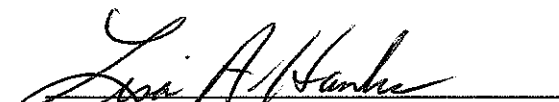
Keith Keppen addressed the City Council requesting for waiver of tap fees in Rock Creek for right away areas. These three meters will be at retention basins to irrigate bushes to be planted to block the view of these basins. Mr. Keppen mentioned other Property Owner Associations getting these waivers. Council President Mixon told Mr. Keppen that Dan McCrory, Water & Sewer Superintendent, inspected the areas and it may only cost \$1,800 instead of the \$4,500. He suggested Mr. Keppen contact Mr. McCrory and listen to the plan which may save the POA money. Mr. Keppen stated that Rock Creek cuts and maintains the City Right-of-Way areas within the subdivision and this request for a waiver of a water tap fee is very minimal. No action was taken by the City Council.

Trisha Niemeyer, owner of Fly Creek Café, addressed the City Council regarding the recent issue with City's noise ordinance is disheartening. Our goal is to have a safe family friendly restaurant that gives back to the community. We are a unique slice of Fairhope. The Fly Creek Café is open from 11:00 a.m. to 10:00 p.m. seven days a week. We play family oriented music at a dining room sound level. We are in the middle of commercial and residential zoning and on site have diesel and gas tanks; shrimping vessels; a marina; and dry storage and full service lifts for boats. The way the current noise ordinance is being enforced, we are being harassed in the middle of a playground hissy.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:51 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, City Clerk