

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

MONDAY, 27 DECEMBER 2010 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve Minutes of 13 December 2010, Regular City Council Meeting.
2. Old Business
Rick Kingrea
3. Report of the Mayor
4. Council Comments

ADD ON Discussion of Boothe Bishop Road

ADD ON Request to approve going forward with the Trails Grant Application for Volanta Avenue westward toward Section Street and North Ingleside to Volanta going north; and work with Fairhope Single Tax Corporation.

ADD ON Request to approve going forward with a Skateboard Park Plan from the Colorado Engineering Firm who specializes in Skateboard Parks.

5. Public Participation
6. Resolution – To purchase a 2011 F250 Service Truck for the Gas Department.
7. Resolution – To Award the bid for Annual Tree Trimming Contract for the Electric Department to Buford’s Trees, Inc.
8. Resolution – Authorizing City Administration to negotiate the fees and Mayor Timothy M. Kant to execute an Agreement for Professional Engineering Services with CH2MHILL to perform a Water and Sewer Study.
9. Resolution – Authorizing Mayor Timothy M. Kant to issue a letter to James Gillespie, General Superintendent, allowing to adjust the gas rates.
10. 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)
11. Ordinance – Final Adoption - An Ordinance Amending Ordinance No. 1371 and Ordinance No. 1437 known as the City Council Rules of Procedure; Amending Section VIII regarding Public Participation. (Introduced at the December 13, 2010 City Council Meeting)

12. Ordinance – Final Adoption - An Ordinance Establishing the City of Fairhope’s Tree Ordinance which Replaces and Repeals Ordinance No. 1193, Ordinance No. 1223 and Ordinance No. 1351. (Introduced at the December 13, 2010 City Council Meeting)
13. Adjourn

*The City of Fairhope will be CLOSED on the following days:
Friday, December 31, 2010 – New Year’s Holiday*

Next Regular Meeting Monday, January 10, 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, 27 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 Councilmember Stankoski and the Pledge of Allegiance was recited.

Council President Mixon mentioned the need to either change the date or time of the January 10, 2011 City Council meeting due to the Tostitos BCS National Championship. Councilmember Quinn moved to change the time to 4:00 p.m. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Council President Mixon also mentioned the following items:

- 1) Jason Colee, the City's IT Director, has added a quick link to the City of Fairhope's website for the public to write messages to all elected officials.
- 2) Congratulations to Officer Trent Scott for being named Officer of the Month.
- 3) On Tuesdays and Thursdays from 1:00 p.m. to 4:00 p.m., the Fairhope Police Department will fingerprint Fairhope citizens' children for free.
- 4) A resolution to decrease the gas rates will be voted on tonight which will lower the rates by \$0.20/CCF.

Council President Mixon asked if there were any corrections to the minutes from the 13 December 2010, regular meeting. He then stated if there are no corrections, the minutes stand approved as written.

Mayor Kant said that last week while John-David Mercer was on his way home from shooting the eclipse, he noticed a fire at the Best Western on the Causeway. Mr. Mercer went to the hotel, told the attendant about the fire, and then went door-to-door telling each occupant to evacuate due to the fire. Mayor Kant presented the following Distinguished Service Award to John-David Mercer for his act of heroism:

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WHEREAS, CONGRATULATIONS AND CITATIONS ARE IN ORDER FOR JOHN-DAVID MERCER FOR HIS SAVING OF THE LIVES OF MANY CITIZENS ON THE EARLY MORNING OF DECEMBER 21, 2010; AND

WHEREAS, A CATASTROPHE WAS AVOIDED BECAUSE OF THE SKILLFUL AND QUICK RESPONSE TO DANGER AND UNSELFISH ACTIONS DEMONSTRATED BY JOHN-DAVID MERCER; AND

WHEREAS, THIS COURAGEOUS ACTION IN AVERTING WHAT COULD HAVE BEEN A TRAGIC LOSS TO FAMILIES, 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 JOHN-DAVID MERCER, THIS CERTIFICATE OF RECOGNITION FOR AN ACT OF HEROISM.

Mayor Kant addressed the City Council regarding the following issues:

- 1) On January 3, 2011 we would be sending off the 1165th National Guard at noon.
- 2) Agenda #8 – He said once we get the cost, it will be brought back to the City Council.
- 3) Agenda #9 – Gas Rate reduction being proposed is a 10 percent reduction. He requested the City Council to reduce the rate another 5 percent, the rate would be in line with Mobile Gas, and be competitive.
- 4) Agenda #10 – The Special Events Section should be taken out of the Noise Ordinance.

Councilmember Quinn addressed the City Council and requested a discussion of the extension of Boothe Bishop Road from Morphy to Nichols be added to the agenda. The County could get completed quicker with help clearing the underbrush.

Councilmember Quinn moved to address the following items **not** on the printed agenda: Discussion of Boothe Bishop Road, Approval of a Skateboard Park Plan, and Approval of a Recreations Trails Grant Application. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Quinn requested permission for Jennifer Fidler (Public Works Director) and Skip Jones (member of Tree Committee) to work with the County to clear the underbrush and tagging significant trees. Mayor Kant stated all he would need is a letter from the County requesting assistance from the City of Fairhope.

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Council President Mixon commented he did not think the City Council should be telling Department Heads what to do. Mayor Kant said the City Council could vote for the City to work with the County. After further discussion, Councilmember Quinn moved to recommend that the City of Fairhope work with the County on the extension of Boothe Bishop Road. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Quinn moved to approve going forward with the Trails Grant Application for Volanta Avenue westward toward Section Street and North Ingleside to Volanta going north; and work with Fairhope Single Tax Corporation. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Quinn moved to approve going forward with a Skateboard Park Plan from the Colorado Engineering Firm who specializes in Skateboard Parks for \$10,000. The expenditure for the City of Fairhope would be half: \$5,000. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Public Participation:

1) Patricia Havard, 125 Volanta Avenue for the last 22 years, addressed the City Council regarding the Noise Ordinance and stated they were not opposed to small businesses or music. We are opposed to blatant loud amplified sound; amplified bass; and whooping and yelling. Ms. Havard mentioned several considerations with the proposed ordinance: no amplifiers outside; no amplified sound levels over 65 decibels from 7:00 a.m. to 10:00 p.m. and no levels over 50 decibels from 10:00 p.m. to 7:00 a.m.; and measure noise from property line.

2) Jim Horner, 117 Volanta Avenue, addressed the City Council regarding the Noise Ordinance and stated he had three things that we have a problem with the ordinance. The maximum level of 85 decibels is too high and should be 60 to 65 decibels. The Special Events Section should be eliminated. Thanksgiving and Christmas are special days for family, friends and thankfulness; not a Mardi Gras type blowout. Mr. Horner then read the Intent Section of the Ordinance.

3) Paulette Fedor, 104 Cliff Drive, addressed the City Council regarding the Noise Ordinance and stated her family and friends have been adversely affected from a local restaurant. Entities need to be in the right place for businesses. She asked the City Council to consider the changing the ordinance similar to the Havards and the Horners. She requested the ordinance to have only one warning; and only have Fridays and Saturdays to have fewer restrictions. She also requested the City Council to reconsider the ordinance and take into consideration the citizens' comments.

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Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase a 2011 F250 Service Truck for the Gas Department. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1726-10

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 2011 F250 Service Truck for the Gas 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:

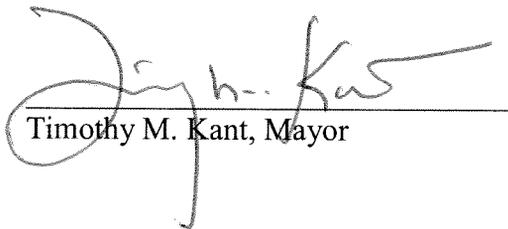
Bid Number: T191

Contract Number: 40114113

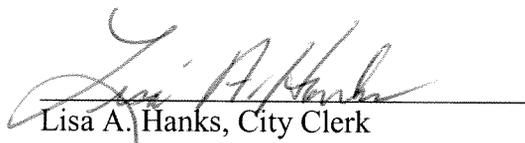
2011 Ford F250 Service Truck

Total Cost is \$19,877.00 each

Adopted on this 27th 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 the bid for Annual Tree Trimming Contract for the Electric Department to Buford's Trees, Inc. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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RESOLUTION NO. 1727-10

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

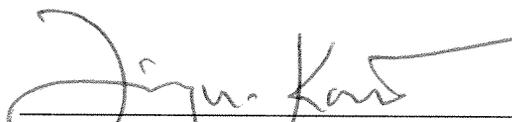
[1] That the City of Fairhope did request, receive, and open bids for an Annual Contract for Tree Trimming for the Electric Department (Bid Number 006-10) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for Annual Contract
for Tree Trimming for the Electric Department

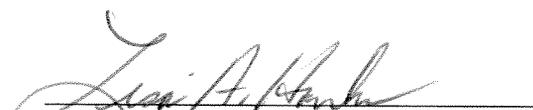
[3] After evaluating the bid proposals with the required bid specifications, Burford's Trees, Inc., with the total bid proposal of \$259,005.00 (estimated) per year, is now awarded the bid for Annual Contract for Tree Trimming for the Electric Department.

Adopted on this 27th day of December, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

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CITY OF FAIRHOPE
 BID TABULATION AND RECOMMENDATION
 BID TAB NUMBER: 006-11
 BID NAME: Tree Trimming
 BID OPENED: DECEMBER 13, 2010
 Note: Bid Bond Waived

| VENDOR | Burford's Tree, Inc. | Asplundh Environmental Services | W.A. Kendall & Co. | Lewis Tree Service, Inc. |
|-------------------------------------|----------------------|---------------------------------|---------------------|------------------------------|
| Non-Collusion Statement | yes | yes | yes | yes |
| Bid Proposal Executed | yes | yes | yes | yes |
| Instructions /Specification | yes | yes | yes | yes |
| | Hourly Billing Rate | Extended Hourly Billing Rate | Hourly Billing Rate | Extended Hourly Billing Rate |
| Labor | | | | |
| Foreman Class A | \$27.27 | 40.51 | 28.05 | 42.14 |
| Foreman Class B | 24.28 | 36.42 | 26.49 | 38.24 |
| Climber Class A | 22.24 | 33.36 | 23.91 | 34.37 |
| Tree Trimmer Class A | 21.1 | 31.65 | 20.11 | 30.17 |
| Tree Trimmer Class B | 19.25 | 28.88 | 19.83 | 29.75 |
| Tree Trimmer-Apprentice (1) | 17.19 | 25.79 | 18.6 | 27.9 |
| Groundman | 16.29 | 24.44 | 16.3 | 25.2 |
| Subtotal labor | 147.62 | 221.43 | 151.83 | 227.75 |
| Equipment | | | | |
| Aerial Squirt Boom, 2 WD, 13' x 13' | 13.17 | 13.17 | 13.4 | 13.4 |
| Aerial Lift, 2WD, 5' x 5' | 13.17 | 13.17 | 13.4 | 13.4 |
| Aerial Lift, 2WD, 7' x 7' | 20.84 | 20.84 | 21.45 | 21.45 |
| Chipper, Disc | 3.51 | 3.51 | 3.72 | 3.72 |
| Power Saw | 0.71 | 0.71 | 0.8 | 0.8 |
| Brush Saw | 0.71 | 0.71 | 0.8 | 0.8 |
| Telescoping Power Saw, 20' | 1.34 | 1.34 | 0.74 | 0.74 |
| Subtotal Equipment | 53.45 | 53.45 | 53.91 | 53.91 |
| TOTAL BID | 201.07 | 274.88 | 205.74 | 281.66 |

| | | | | | | | |
|---|-------------|--|--|--|--|--|--|
| A ARBORIST ON BOARD TREE SERVICE | NO RESPONSE | | | | | | |
| Conquest Trucks | NO RESPONSE | | | | | | |
| H & H Tree Service | NO RESPONSE | | | | | | |
| SPOTSWOOD TREE SERVICE | NO RESPONSE | | | | | | |
| Davey Tree Experts | NO RESPONSE | | | | | | |
| Big John's Tree Service | NO RESPONSE | | | | | | |
| LSE LAFAYETTE STEEL ERECTOR, INC | NO RESPONSE | | | | | | |
| TFR ENTERPRISES, INC. | NO RESPONSE | | | | | | |
| OMNI PINNACLE, LLC | NO RESPONSE | | | | | | |
| CROWDER-GULF | NO RESPONSE | | | | | | |
| CRUMP CONSTRUCTION CO, LLC | NO RESPONSE | | | | | | |
| ORC EMERGENCY SERVICES, LLC | NO RESPONSE | | | | | | |
| GULF EQUIPMENT CORP. | NO RESPONSE | | | | | | |
| Storm Reconstruction Services Inc | NO RESPONSE | | | | | | |
| TREESMITH, INC. | NO RESPONSE | | | | | | |
| Business Development | | | | | | | |
| Complete Environmental & Remediation Co., LLC | NO RESPONSE | | | | | | |

| | | | | | | | |
|----------------------------------|-------------|--|--|--|--|--|--|
| SR3, Inc. | | | | | | | |
| Storm Reconstruction Services | NO RESPONSE | | | | | | |
| Taylor-Woerner, Inc. | NO RESPONSE | | | | | | |
| Vortex Truck and Equipment, Inc. | NO RESPONSE | | | | | | |

Recommendation: Award bid to Burford's Tree Surgeons, Inc. for their bid in the amount of \$201.07/hr.
 Yearly estimate: \$259,006.00
 Scott High, Electrical Department Superintendent 12/16/2010

To the best of my knowledge, this is an accurate bid tabulation
 Daniel P. Ames, Purchasing Manager 12/16/2010

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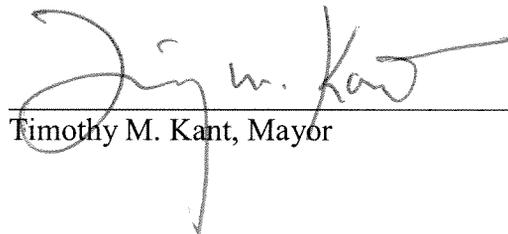
Councilmember Quinn moved to amend the resolution authorizing City Administration to negotiate the fees and Mayor Timothy M. Kant to execute an Agreement for Professional Engineering Services with CH2MHILL to perform a Water and Sewer Study by changing the word “execute” to “negotiate.” Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution as amended, a resolution authorizing City Administration to negotiate the fees and Mayor Timothy M. Kant to negotiate an Agreement for Professional Engineering Services with CH2MHILL to perform a Water and Sewer Study. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

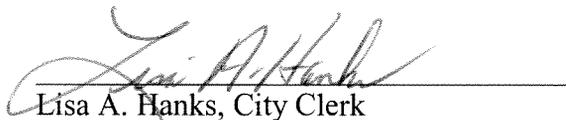
RESOLUTION NO. 1728-10

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Administration is authorized to negotiate the fees and Mayor Timothy M. Kant is hereby authorized to negotiate an Agreement for Professional Engineering Services with CH2MHILL to perform a Water and Sewer Study for the Water & Sewer Department of the City of Fairhope.

DULY ADOPTED THIS 27TH DAY OF DECEMBER, 2010


 Timothy M. Kant, Mayor

Attest


 Lisa A. Hanks, City Clerk

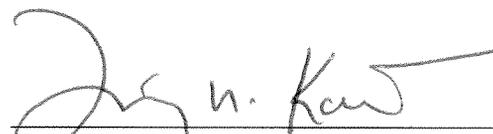
Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to issue a letter to James Gillespie, General Superintendent, allowing to adjust the gas rate by \$0.20/CCF which is a 10 percent reduction. The motion was seconded by Councilmember Ford. Councilmember Quinn requested Mayor Kant to take a look for competitive prices and bring back to the City Council. After further discussion, motion passed unanimously by voice vote.

27 December 2010

RESOLUTION NO. 1729-10

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, hereby authorizes Mayor Timothy M. Kant to issue a letter to James Gillespie, General Superintendent, allowing to adjust the gas rate to reflect the gas price for January 2011 by decreasing the base rates by \$0.20/CCF.

Adopted on this 27th day of December, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Kingrea moved for final adoption of Ordinance No. 1443, 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) The motion was seconded by Councilmember Stankoski.

Councilmember Kingrea mentioned the Special Events Section regarding permits is the same procedure for any other permits in the City. The applicant would be required to get the signatures which means the burden is on the applicant. We are trying to treat people equally and the Mobile Noise Ordinance has passed constitutional muster. We will look as bass levels and how to deal with these levels. We are trying to be fair to businesses and the citizens near businesses.

Councilmember Stankoski moved to amend the proposed ordinance by eliminating the Special Events Section, Section 12-5.2 (a) and (b). Seconded by Councilmember Ford, motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Ford. NAY – Kingrea.

Councilmember Kingrea moved for final adoption of Ordinance No. 1443 as amended. Seconded by Councilmember Stankoski, motion for final adoption passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – Ford.

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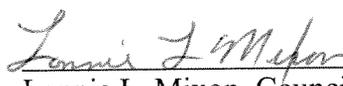
Councilmember Quinn moved for final adoption of an Ordinance amending Ordinance No. 1371 and Ordinance No. 1437 known as the City Council Rules of Procedure; amending Section VIII regarding Public Participation. (Introduced at the December 13, 2010 City Council Meeting) The motion was seconded by Councilmember Kingrea.

Councilmember Quinn stated the signing in before the meeting is most important. Councilmember Kingrea mentioned people should be allowed to have input other than the proposed ordinance and suggested to layover the ordinance. He said we could do away with the work session, do meeting and then have public participation afterwards.

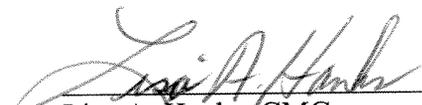
After further discussion, Councilmember Kingrea moved to layover until the next regular City Council meeting. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Quinn moved to layover an Ordinance establishing the City of Fairhope's Tree Ordinance which replaces and repeals Ordinance No. 1193, Ordinance No. 1223 and Ordinance No. 1351. (Introduced at the December 13, 2010 City Council Meeting) Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:50 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, CMC
City Clerk