

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

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

Invocation and Pledge of Allegiance

1. Approve Minutes of 13 September 2010, Regular City Council Meeting and Minutes of the 13 September 2010 Work Session.
2. Presentation – Lisa Hanks – Certified Municipal Clerk Designation
3. Old Business
Rick Kingrea - “Where Do We Stand”
4. Report of the Mayor
5. Council Comments
6. City Administrator
7. Proclamation – Literacy Awareness Week – October 4 through October 11, 2010.
8. Proclamation – Fall in to Fairhope
9. Proclamation – Proclaiming October as National Physical Therapy Month.
10. Hearing – Business License - Jubilee Bar & Grill – James Peyton McKay
11. Resolution – Approval of the 2010-2011 Budget.
12. Resolution – Adoption of 2010-2011 Holidays for all City Personnel except Emergency Employees.
13. Resolution – To Award the bid for Hydrofluorosilicic Acid for the Water & Sewer Department to Industrial Chemicals, Inc.
14. Resolution – To Award the bid for Weathered Steel Poles for the Electric Department to Bridgewell Resources, L.L.C.
15. Resolution – Authorizing Mayor Timothy M. Kant to execute a Rental Agreement with Cintas Uniforms for Fire Retardant Uniforms for the Electric Department.
16. Resolution – To support the Smart Walks to School and encourage its members to participate in these walks to demonstrate to the children and their parents support and encouragement.
- Pulled* 17. ~~Resolution – Approving and Authorizing Mayor Timothy M. Kant to execute a Memorandum of Understanding between The Baldwin County Watershed Coalition and The City of Fairhope.~~
- Pulled* 18. ~~Request – Baldwin County Watershed Coalition requests funding in the amount of \$5,000 to support outreach and education.~~
19. Ordinance – Final Adoption - Prohibiting Tobacco Use in All Recreational Settings (Any Place for Physical Activity). (Introduced at the September 13, 2010 City Council Meeting)

20. Ordinance - Replacing Ordinance No. 1345 to protect the public health, safety and welfare by providing policy and procedure for park usage within the City of Fairhope.
21. Ordinance – Amending Ordinance No. 1255 known as the Personnel Rules, Policies and Procedures Ordinance, Section 6.01 Health Insurance Benefits and Section 6.05 Insurance Benefits for Retirees.
22. Ordinance – Amending Ordinance No. 1371 known as the City Council Rules of Procedure and Repealing Ordinance No. 1415; Amending Section VI and Amending Section VIII regarding Public Participation.
23. Application for a Special Retail License by William Boyd Little, d/b/a Oak Hollow Farm, Inc., located at 14210 Greeno Road, Fairhope, Alabama for Angel Ride, November 5-6, 2010.
24. Request – Mike Warrington with Fairhope Sunset Rotary Club – Requesting permission to close De La Mare on Saturday, October 23, 2010 for our the 8th Annual Dancin’ in the Streets Party from 7:00 p.m. to 10:00 p.m., to serve alcohol (beer & wine), and the use of barricades for Section and Church.
25. Public Participation
1) Chris Warner
26. Adjourn

Next Regular Meeting Monday, October 11, 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 September 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 Pastor Johnson, Redeemer Lutheran Church, and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 13 September 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 13 September 2010, work session. He then stated if there are no corrections, the minutes stand approved as written.

Council President Mixon stated that a letter was sent to the Alabama Department of Transportation last week regarding a light needed at Highway 104 and Highway 13. ALDOT replied that a light will be installed at this intersection by the middle of December. He also announced that The Fairhope Feasibility Study would not be voted on tonight.

Council President Mixon made the following announcements:

On September 13, 2010, Governor Riley appointed Scott Sligh, Electric Department Superintendent, to the Alabama Council for Developmental Disabilities Board which is a high honor.

Congratulations and well-dones are in order for two of our City employees who recently graduated from the Leadership Baldwin County Class of 2010. There were twenty six members in this class which is designed to identify current and potential leaders throughout the County. This is an 8-month program which unites various people from various areas of the County and offers a broad range of experiences and insights. Ms. Lisa Hanks, our City Clerk, and Mr. Dan Ames, our Purchasing Manager recently graduated from this class.

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The Municipal Clerk is the oldest of public servants in local government along of course with the tax collector. The profession predates biblical times. To obtain the designation of Certified Municipal Clerk is no small task. To earn the CMC designation, a Municipal Clerk must attend extensive education programs and it requires pertinent experience in the Municipality. It generally takes three to four years to earn this designation. I am pleased to announce that our City Clerk, Ms. Lisa Hanks, has achieved this highest award. Council President Nixon asked Mayor Kant to please make the presentation.

Mayor Kant addressed the City Council and began by stating that he wanted to recognize Lisa Hanks who has been with City for just over three years. She has managed to take on the responsibility for being a Certified Municipal Clerk. Mayor Kant said I told Lisa when she was hired from Geniece that she would have to fill a lot of shoes. Geniece was our first Certified Municipal Clerk and now Lisa is our second. And, Lisa did this in record time. It took Geniece a little over four years to obtain this level, but Lisa did this in less than two years. The main reason Lisa was able to do this was her extensive background and education. She worked at a law firm and with her legal experience, it came natural to her with the note taking and making sure documentation is correct. The main job of the City Clerk is keeping all of us out of trouble and making sure that everything that supposed to happen happens on time. She is there to make sure we follow all of the rules. Mayor Kant stated one of the things he would like to bring up that Lisa spent over 300 hours of her own time outside and by doing so saved the City approximately \$15,000. Mayor Kant presented the CMC Designation plaque to Lisa Hanks and said "Thank you."

Council President Nixon, as chairman of the City Council Finance Committee, read the following statement:

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STATE OF CITY FINANCES

As chairman of the city council finance committee, I am pleased to announce that we will finish the fiscal year in the black and have accomplished the goals that were set last year. The general fund annual budget is approximately 22 million dollars. For a budget this size we should have at least a 90 day reserve of 5 to 6 million dollars on hand for emergencies. We now have 2.2 million dollars in the reserve account. We have this reserve because of the implementation of the sales tax. We will continue to put 50% of the sales tax in the reserve fund each year. This will get us to the 6 million dollar goal in the year 2012. Had we not passed the sales tax, our reserve account would be minimal.

Cash in the utility accounts is up to about 4 million dollars. This was accomplished by limiting transfer of funds from the utilities to the general fund to 63%. We are now on target for replenishing utilities infrastructure and like the general fund are about two years away from having the funds at a level that we can be comfortable with.

Our Debt repayment is also on schedule and is now down to 31.7 million dollars. This year, Standard & Poor's raised our bond rating from the A level to a double A (AA) level and in today's national economic environment, this is extremely good. Our cash and debt position is definitely better than last year and will continue to improve.

We accomplished these goals and achieved this position for many reasons. Some are:

- Stayed on budget. This was accomplished through the diligent efforts of the administrative staff and department heads;
- Formed a Financial Advisory Committee and a Budget Committee;
- Placed a restriction on hiring and did not provide a cost of living increase for city employees;
- Reduced discretionary spending; and,
- Restructured our debt services to lower interest rates.

Overall, the City of Fairhope is on solid financial footing. Our goal is to stay on this conservative path and within 2 years we should reach our financial goals.

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

- 1) Nichols Street Deck – City Attorney Wynne stated we prevailed in a preliminary hearing where a preliminary injunction and temporary restraining order were denied. The final hearing is up for a final decision in November and it would be in our interest to not move forward until this decision is made.

Mayor Kant addressed the City Council and began by asking Gary Gover to give a brief update on the Coastal Clean-Up. Mr. Gover said we had a very successful joint clean-up effort. We had about 400 people who picked up two large truck loads of trash collected. Mr. Gover then stated that Sherry Sullivan was a key person in this project. She gives 100 per cent to anything she does. Mayor Kant then discussed his concerns with the proposed budget for fiscal year ending September 30, 2011. For a recap, the City is doing very well. Mayor Kant asked the City Council to consider merit raises for the ones who are working over and above, especially the hourly employees. And for the record as we move forward with the school issue, I personally believe we should work with Dr. Lee and come up with some issues we want to address before we decide to go into our own school system. It is very expensive to go out our your own and we should give Dr. Lee a chance to correct the issues.

Councilmember Quinn addressed the City Council and read the following statement: “The Fairhope Education Feasibility Committee’s mission was to work with Dr. Harvey, helping locally with any information gathering needed and reviewing the study prior to its presentation. That has been accomplished. The Committee is comfortable with the study and agrees that it is a professional assessment of the issues. We do feel that the Council should have further community dialog on the issue, ensuring that the study and its material are synthesized to a manageable presentation and more communication on the inclusion of the feeder pattern options voiced.” She thanked Jim Ketchum, Amanda VanderHeyden, Terri Bishop, Mike Lucci, and Mike Keating for their diligence to this process and their ability to assess the data from both sides of the issue.

Councilmember Quinn moved to dissolve the Fairhope School Feasibility Study Advisory Committee and commend the committee for its services and declare its charges are fulfilled. Seconded by Councilmember Kingrea, motion passed unanimously by voice votes.

Councilmember Quinn moved to set up an open forum with Dr. Lee, Dr. Harvey, and others in that area. We will have a moderator with questions and answers to facilitate further discussion of the study. Seconded by Councilmember Kingrea, motion passed unanimously by voice votes. The cost of bringing Dr. Harvey was mentioned; either he will voluntarily come down or his fee will be paid by private citizens.

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Councilmember Ford addressed the City Council and stated he takes issue with the Mayor not being on the Budget Committee. The Mayor was invited to each meeting, but you would seem to want his expertise and thoughts from the very beginning. The Mayor should have been a member of this committee and the Council owes him an apology.

Councilmember Kingrea addressed the City Council and questioned Mayor Kant regarding the cost of the sewer system. Mayor Kant replied we are covering the sewer cost as of right now. Councilmember Quinn asked if this included debt. Mayor Kant replied this was only operating costs.

City Administrator Gregg Mims addressed the City Council and mentioned the City being a member of the National League of Cities which include 49 states and municipal leagues and nineteen thousand cities throughout the United States. Councilmember Quinn was appointed by the President National League of Cities to serve on the 2011 Nominating Committee to nominate all of the officers and boards of the National League of Cities.

Mr. Mims brought up Detective Charles Varnado and briefly went over a press release: On Wednesday, Sept. 15, a theft was reported from a local business. The owner reported that an unknown person had entered his property and stolen about one ton of metal alloy bars valued at approximately \$10,000. The case was assigned to Detective Charles Varnado of the Fairhope Police Department Criminal Investigations Unit. Varnado began narrowing down the options for disposing of a large amount of metal alloys such as this, and his investigation put him in contact with a scrap metal company in Escambia County, Fla. The owner of that scrap metal business confirmed that he had recently purchased the metals and Detective Varnado obtained the records associated with the sale. Detective Varnado developed sufficient evidence to arrest two Baldwin County men for the theft. This arrest was achieved within 48 hours and all of the stolen metal has been recovered. Detective Varnado is commended for his work in this matter.

City Administrator Gregg Mims addressed the City Council and presented a proclamation to deLancey Erikson, Director of The Eastern Shore Literacy Council, proclaiming October 4 through October 11, 2010 as Literacy Awareness Week.

City Administrator Gregg Mims addressed the City Council and presented a proclamation to the Eastern Shore Art Center and the Downtown Fairhope Merchants proclaiming the third weekend in October as "Fall into Fairhope Weekend."

City Administrator Gregg Mims addressed the City Council and presented a proclamation to Barbara Bradford and physical therapists proclaiming October 2010 as National Physical Therapy Month.

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The next item on the agenda was the hearing on the Jubilee Bar & Grill's business license. Chief Press addressed the City Council and stated we revisit the Jubilee Lounge which was deferred until possible court cases that went before a criminal court. Chief Press briefly stated we had two undercover officers that began their investigation in January and ended in March 2009.

Robert Stankoski objected to allowing Chief Press to continue with his statement. Mr. Stankoski objected due to the fact that the revocation issue was based solely on the six counts of possession of a gambling device and would like to limit this to what changed since the last hearing by the City Council. Council President asked Chief Press if that was okay with him and the Chief stated he would like to continue. Mr. Stankoski stated he would like a ruling on his objection in the record. City Attorney Wynne explained this was not a court of record and no conviction on record at that time. Mr. Wynne said you are acting as a quasi judicial body or as a court tonight and it is up to the Council whether or not to hear the history again. Council President Mixon then announced Mr. Stankoski your objection is overruled.

Detective Hewitt is not with us tonight, but her partner, Michael Crittenden, is here to testify. Officer Crittenden addressed the City Council and stated that based on numerous complaints I started the investigation. First went in the bar on October 30th. The bartender explained the gambling machines and told us which one would pay off the best. Several times visiting the bar, we purchased cocaine from bartenders and patrons, received cash for illegal gambling, witnessed serving intoxicated persons; witnessed drinking while tending bar, and the establishment received violations from the Alcoholic Beverage Control Board. All of the bartenders at the bar were drinking. We arrested the bartenders and Peyton McKay. Mr. McKay was present or within five feet of these violations. Since we had the search warrant and arrests, I was called back for a fight in the parking lot of the bar. One of the officers was assaulted and taken to the hospital. ABC sighted Mr. McKay with 9 alcoholic beverage violations and the City of Fairhope sighted him for 7 violations for gambling devices.

Chief Press read the following Section 8-19 of the City of Fairhope Code of Ordinances states any lawful license issued to any person to conduct any business shall be subject to revocation by the municipal governing body for the violation by the licensee, his agent, servant, or employee of any provision of this article or of any ordinance of the municipality, or any statute of the State of Alabama relating to the business for which such license is issued; and shall also be subject to revocation by the municipal governing body if the licensee, his agent, servant, or employee under color of such license violates or aids or abets in violating or knowingly permits or suffers to be violated any penal ordinance of the municipality or any criminal law of the State of Alabama.

This was clearly observed by the owner and he has pleaded to the violations. Therefore, we ask for his license to be revoked.

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Robert Stankoski stated we heard all of this the last time. The Council heard a long list of facts and Mr. McKay was not charged of any crime. He still has not been charged of any of these offenses. The Council needs to look at what has changed from the first time his license was being possibly revoked until this hearing? Nothing has changed on the basis of this revocation. The City of Fairhope has issued a letter on August 27, 2010 with the basis of revocation solely being the six counts of possession of a gambling device in violation of Alabama Code 13A-12-27 (1975). Mr. Stankoski presented the Council with a package of information. The document just handed to you is the outcome of the criminal case. Mr. McKay has entered a Pre-Trial Intervention Agreement by and between The District Attorney of the 28th Judicial Circuit. A program where they put you on probation or bond order and after the agreed period of deferred prosecution and upon your successful completion of this agreement with the District Attorney, the District Attorney or Assistant District Attorney(s) will file a motion with the Court requesting that this case be nolle prossed (not be prosecuted). If you don't get into any other trouble, your sentence will be dismissed. The bond order states all of the things Mr. McKay has to do or cannot do. He is under a more stringent condition that the City Council could ever put him under. If he violates his bond order, he is going to be convicted.

Other establishments in the City have the same or similar type of machines. If these are treated the same, you are violating the Equal Protection Clause of the Constitution. Why are they not being looked at? There are other establishments where crimes are going on. One business owner threatened to blow up a whole block. Why did the City Council not revoke his business license?

The Fairhope Police Department has maintained a constant presence. I don't see its presence downtown or at other establishments. The normal reason for a license revocation is to stop the issue that is going on at the business. The problem has been corrected. Mr. Stankoski asked that the City Council not revoke his business license and allow Mr. McKay to remain in business.

Councilmember Kingrea moved to revoke the business license. Council President removed himself from the Chair and seconded the motion. Councilmember Quinn stated that Mr. McKay has not been arrested for anything else and has a bond that proves he has to be an upstanding citizen and business owner. Therefore, I feel he should keep his business license. Councilmember Kingrea stated that the problem that he has is Mr. McKay plead nine ABC violations and plead seven misdemeanors. He also stated just because he signed the agreement and bond order, he is still charged with these violations. Mr. McKay basically said I have done it, but I want abstention. Council President Nixon said we are not a court of law, but do we want this kind of business in the City of Fairhope. Councilmember Ford asked why the Alcoholic Beverage Control Board did not revoke his license. Officer Crittenden replied once the City of Fairhope revokes the business license, then the ABC will revoke its license.

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City Attorney Wynne stated it is just as important for the City Council to look at Section 8-19 which he read again. It is important to understand the distinction of entering a plea of guilty and being found guilty. The judge decides if the person is guilty after entering a plea of guilt. The Council does not have to wait for a finding of guilt by the judge. After further discussion, Council President Mixon stated we have a motion and a second to revoke the business license of Mr. McKay, d/b/a the Jubilee Bar & Grill, motion failed by the following voice vote: AYE – Mixon and Kingrea. NAY – Quinn and Ford. ABSTAIN – Stankoski.

Councilmember Stankoski moved to address the following item **not** on the printed agenda and to approve that any current city retirees will receive the same benefits at the Quail Creek Golf Course as the current employees. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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

Councilmember Quinn moved to purchase a new scoreboard at the football field by accepting \$2,500 from the Booster Club, and allowing to use \$7,500 from our Community Development Fund. Seconded by Stankoski, motion passed unanimously by voice vote.

Stan Grubin, Chairman of the Budget Committee, addressed the City Council and presented the proposed budget for the 2010–2011 fiscal year. He briefly went over the key points of the budget which included the top capital purchases and then presented a copy to Lisa Hanks, City Clerk. Mr. Grubin stated this is a balanced budget.

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution to approve the 2010–2011 budget for the City of Fairhope. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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27 September 2010

RESOLUTION NO. 1702-10

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the proposed Budget presented and reviewed this 27th day of September 2010, be hereby approved and adopted for the FY 2010-2011; and

BE IT FURTHER RESOLVED that the Annual Salaries of City Personnel shall be as shown on a list entitled Annual Salaries of All City Personnel - Res. No. 1702-10 said list filed in the Office of the Mayor, of the City Clerk, and of the Personnel Director; and

BE IT FURTHER RESOLVED that each Full Time employee shall receive a One Time Pay Increase for the period 1 December 2009 through 30 November 2010; each qualifying employee shall receive \$20.00 per month of employment. To qualify, the employee must be a Full-Time Employee during this period. An employee hired on or before the fifteenth (15) day of a month will be given credit for the full month; an employee hired on or after the sixteenth (16th) day of a month will not be given credit for that month. In order to receive this One Time Pay Increase an employee must be employed on the 30th of November.

For the same time period, and hiring rule each qualifying Part-time employee shall receive the following:

First year	\$ 25.00
Second year	\$ 50.00
Third year	\$ 75.00
Fourth year	\$100.00

The maximum amount for Part-time employees is \$100.00.

This One-Time increase will be awarded on Friday, 3 December 2010.

ADOPTED THIS 27th DAY OF SEPTEMBER, 2010



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, City Clerk

Councilmember Quinn moved to approve the one-time pay increase which employees receive in December. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

27 September 2010

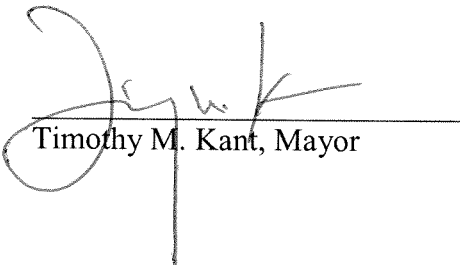
Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to approve the 2010 - 2011 Holidays for all City Personnel except emergency employees. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1703-10

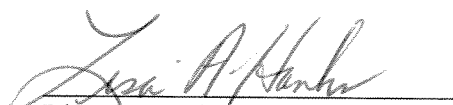
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, THAT THE FOLLOWING 2010 – 2011 HOLIDAYS WILL BE OBSERVED BY ALL CITY PERSONNEL EXCEPT EMERGENCY EMPLOYEES:

Veterans Day	-	Thursday, November 11, 2010
Thanksgiving	-	Thursday & Friday November 25 & 26, 2010
Christmas	-	Thursday & Friday, December 23 & 24, 2010
New Years Day	-	Friday, December 31, 2010
Martin Luther King, Jr.	-	Monday, January 17, 2011
Memorial Day	-	Monday, May 30, 2011
Independence Day	-	Monday, July 4, 2011
Labor Day	-	Monday, September 5, 2011

DULY ADOPTED THIS 27TH DAY OF SEPTEMBER, 2010.


 Timothy M. Kant, Mayor

Attest


 Lisa A. Hanks, City Clerk

27 September 2010

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to award the bid for Hydrofluorosilicic Acid for the Water & Sewer Department (Bid No. 022-10). Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1704-10

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 Hydrofluorosilicic Acid for the Water & Sewer Department at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

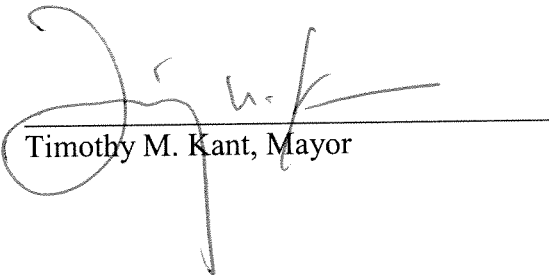
[2] At the appointed time and place, the following bids were opened and tabulated as follows:

HYDROFLUOROSILICIC ACID

Industrial Chemicals, Inc. \$365.38 per 55 Gallon Drum
All Other Vendors did not quote or meet quote requirements

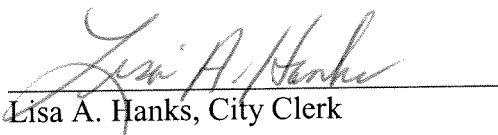
[3] After evaluating the bid proposals with the required bid specifications, Industrial Chemicals, Inc., for its bid of \$365.38 per 55 Gallon Drum is now awarded the bid for Hydrofluorosilicic Acid for the Water & Sewer Department.

Adopted on this 27th day of September, 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 to award bid for Weathered Steel Poles for the Electric Department (Bid No. 032-10). Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

27 September 2010

RESOLUTION NO. 1705-10

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

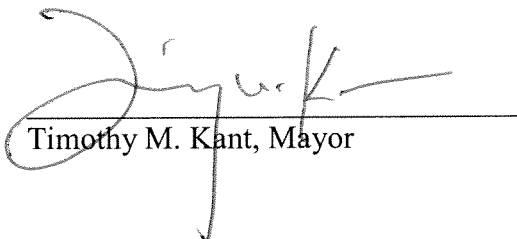
[1] That the City of Fairhope did request, receive, and open bids for Weathered Steel Poles for the Electric Department (Bid Number 032-10) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for Weathered Steel Poles
for the Electric Department

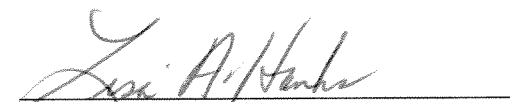
[3] After evaluating the bid proposals with the required bid specifications, Bridgewell Resources, L.L.C., for its bid of \$2,091.00 per each, size 70/H1 pole (18 poles) and \$2,370.00 per each, size 75/H1 pole (6 poles) with the total bid proposal of \$51,858.88 is now awarded the bid for Weathered Steel Poles for the Electric Department.

Adopted on this 27th day of September, 2010



Timothy M. Kant, Mayor

Attest:

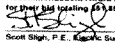


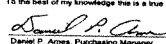
Lisa A. Hanks, City Clerk

27 September 2010

CITY OF FAIRHOPE
 BID TABULATION AND RECOMMENDATION
 BID NO. 032-10
 BID NAME: WEATHERED STEEL POLES
 BID OPENED: 09-13-10
 Note: Bid Bond waived.

VENDOR	Non-Collusion Statement Signed / Not Signed	Bid Proposal Executed / Signed / Not Executed	Delivery lead time (WKS)	Manufacturer	Size 701 Bid Price Per Unit	Size 75H1 Bid Price Per Unit	Size 701 Bid Price Per 18 Units	Size 75H1 Bid Price Per 6 Units	Total Bid Price	Addendum 1 signed & returned
HD Supply Utilities					NO BID	NO BID	NO BID	NO BID		NO BID
Rexel, Inc.					NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE		NO RESPONSE
Infratech Corporation					NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE		NO RESPONSE
Tri State Utility Products, Inc.					NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE		NO RESPONSE
Omessa					NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE		NO RESPONSE
Vermont Newark	YES	YES	12 WEEKS	Vermont Newark	\$2,812.00	\$3,144.00	\$47,016.00	\$16,864.00	\$65,880.00	NO
Bridgewell Resources	YES	YES	88 DAYS	Trinity Utility Structures	\$2,061.00	\$2,370.00	\$37,638.00	\$14,220.00	\$51,858.00	YES
Thomas & Beta	YES	YES	90 DAYS	Thomas & Beta	\$2,889.00	\$3,323.00	\$53,802.00	\$19,608.00	\$73,410.00	NO
Dis-Tren	YES	YES	84 DAYS	Dis-Tren Steel, LLC	\$3,209.00	\$3,489.00	\$57,636.00	\$20,934.00	\$78,570.00	NO

Recommendation: Award bid to Bridgewell Resources, LLC.
 for their bid totaling \$51,858.00
 9/14/2010
 Scott Slight, P. E., KACAC Superintendent

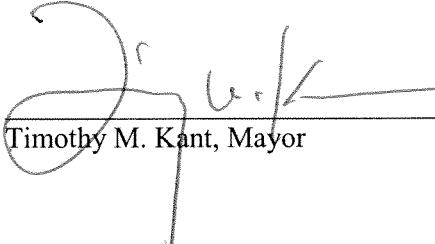
To the best of my knowledge this is a true and accurate bid tabulation
 9/14/2010
 Daniel P. Ames, Purchasing Manager

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to authorize Mayor Timothy M. Kant to execute a Rental Agreement with Cintas Uniforms for Fire Retardant Uniforms for the Electric Department. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

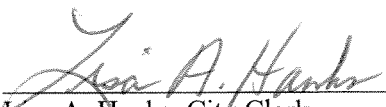
RESOLUTION NO. 1706-10

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Kant is hereby authorized to execute a Rental Agreement between the City of Fairhope and Cintas Uniforms for Fire Retardant Uniforms. The cost of the uniforms will be \$18.76 per participating employee per week or approximately \$12,681.76 total program cost per year.

Adopted on this 27th day of September, 2010


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, City Clerk

27 September 2010

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution to support the Smart Walks to School and encourage its members to participate in these walks to demonstrate to the children and their parents support and encouragement. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1707-10

Smart Walks to School Resolution

Whereas, the City of Fairhope initiated annual Walks to School as part of the International Walk to School Month; and

Whereas, Smart Coast worked with the City of Fairhope to make the walks to school a regular monthly event; and

Whereas, the Smart Walks to School monthly walks have been held on the first Friday of every month for the past two years; and

Whereas, the Kindergarten, Elementary, and Intermediate Schools participated in these walks to school and over 200 students have walked monthly; and

Whereas, the Kindergarten, Elementary, Intermediate, and Middle School have all agreed to participate in the October 2010 International walk to school; and

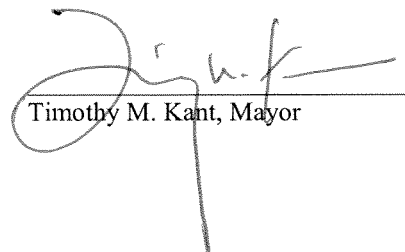
Now Therefore Be it Resolved, that the City Council of the City of Fairhope supports the continuation of the Smart Walks to School and heartily encourages students from the various schools that have been participating on a monthly basis to keep walking; and

Be it Further Resolved, the City Council also recognizes the health benefits of walking and the need for children to live more active lives; and


Be it Further Resolved, the City Council also recognizes the benefit of reducing the number of cars in the drop off lines at local schools which increases the air quality near the schools and reduces traffic congestion; and

BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, hereby adopts this resolution to support the Smart Walks to School and encourage its members to participate in these walks to demonstrate to the children and their parents support and encouragement.

DULY ADOPTED THIS 27TH DAY OF JUNE, 2010


Timothy M. Kant, Mayor

Attest:


Lisa A. Hanks, City Clerk

27 September 2010

Council President Mixon announced that Items #17 and #18 have been pulled.

Councilmember Quinn moved for final adoption of Ordinance No. 1436, an Ordinance prohibiting tobacco use in all recreational settings (any place for physical activity). (Introduced at the September 13, 2010 City Council meeting) Seconded by Councilmember Kingrea, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

Councilmember Stankoski introduced in writing an Ordinance replacing Ordinance No. 1345 to protect the public health, safety and welfare by providing policy and procedure for park usage within the City of Fairhope. Since there was no motion for immediate consideration, this ordinance will layover until the October 11, 2010 City Council meeting.

Councilmember Kingrea introduced in writing an Ordinance amending Ordinance No. 1255 known as the Personnel Rules, Policies and Procedures Ordinance, Section 6.01 Health Insurance Benefits and Section 6.05 Insurance Benefits for Retirees. Since there was no motion for immediate consideration, this ordinance will layover until the October 11, 2010 City Council meeting.

Councilmember Kingrea introduced in writing Ordinance No. 1437, an Ordinance amending Ordinance No. 1371 known as the City Council Rules of Procedure and repealing Ordinance No. 1415; amending Sections VI and VIII regarding Public Participation.

Councilmember Kingrea moved to amend Ordinance No. 1437 by changing the wording from “for not more than two minutes” to “for not more than three minutes” in Section VIII. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

In order to take immediate action, Councilmember Quinn moved for immediate consideration. Seconded by Councilmember Kingrea, motion for immediate consideration passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None. Councilmember Stankoski then moved for final adoption of Ordinance No. 1437 as amended. Seconded by Councilmember Kingrea, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

City Council reviewed an application for a Special Retail License by William Boyd Little of Oak Hollow Farms, Inc. located at 14210 Greeno Road, Fairhope, Alabama for the Angel Ride on November 5 - 6, 2010. Councilmember Ford moved to approve the issuance of the license. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

27 September 2010

Councilmember Kingrea moved to grant the request of Mike Warrington with the Fairhope Sunset Rotary Club requesting permission to close De La Mare on Saturday, October 23, 2010 for the 8th Annual Dancin' in the Streets Party from 7:00 p.m. to 10:00 p.m., to serve alcohol (beer and wine), and the use of barricades for Section and Church. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Chris Warner, 510 Westchase Court North, addressed the City Council and stated he was concerned with the government. He mentioned the 2% Sales Tax, the 1% County Tax, and the Watershed Tax by the County Commission. We are spending more instead of tightening our purse strings. Mr. Warner said he hopes we do not hear about the school system in the future. He said we need to look at employees not needed or overpaid and look at our utilities.

Dottie South, 1 Troyer Court, addressed the City Council and asked for the City Council to reconsider the increase in membership fees at the Nix Center. She stated the City was going to lose members and the members live on a fixed income. She said we could go to another City for free with fewer amenities.

Paul Ripp, 22895 High Ridge Road, addressed the City Council and stated the budget was skirting on the edge of not using the sacred cow. The City is losing ½ million with the golf course and utilities are losing money. The City should think about possibly selling the utilities. He also stated that politicians should not be allowed to contract with the City.

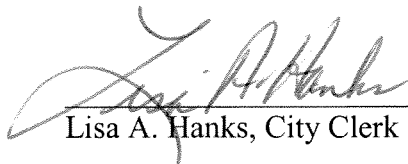
Hop Allen, 410 Miller Avenue, addressed the City Council and stated the City needs to look at rezoning issues. The City Council voted to rezone residential to business and now the property is for sale.

Arlene McDavid, 16799 Ferry Road, addressed the City Council and stated she wanted to challenge you regarding the Watershed Coalition. It is going to be a tax; either \$12 or \$24 per square foot. She asked the Council to familiarize their selves with this issue and it could be in an open forum.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:35 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, City Clerk