

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, 28 June 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 City Attorney Wynne and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 14 June 2010, regular 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) Boat he had questioned was bought by the Association for Retarded Citizens of Baldwin County, Inc. and housed by the Fairhope Yacht Club.
- 2) Thanked City crews for cleaning the gutters on Boone Street and ask again about the status of the Nichols Street Landing. City Attorney Wynne said in a legal position we are ready to go forward; City will begin deck after the Fourth of July.
- 3) Inquired about the parallel parking in front the police station and the recommendations made by Volkert and Assoc. and the marking of the flowers beds.
- 4) Mentioned reducing Police coverage to the Municipal limits and the Grand Hotel was questioned; Mayor Kant said staff was looking into this issue for more definite numbers.

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

Councilmember Kingrea moved to authorize the City Treasurer to go out on a Request for Proposal for a \$2.0 million Line of Credit for the Utility Fund. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote. Councilmember Kingrea explained the need for this Line of Credit is specifically for covering the lapse in revenues for Utility expenses.

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Mayor Kant addressed the City Council and introduced Bob Young with Frazier Lanier Company who announced that the City's bond rating, according to Standard and Poor's, has increased from A+ to AA- based on the City's stable tax base and lessening debt burden. Mr. Young also gave an update on financing related to the Fairhope Airport Authority. Councilmember Quinn questioned going from a bond issues to a loan with fewer years to pay back debt and any penalties for getting out early.

Councilmember Stankoski addressed the City Council regarding the Noise Ordinance which was discussed at the previous Work Session. He announced that a committee has been appointed to once again evaluate the Noise Ordinance and there will be public forum one night at 6:00 p.m. to tweak or change the ordinance.

Council President Mixon announced the members for the Equitable Use of Fairhope Recreation Facilities Study Group: Rick Kingrea (Chairman), Charlie Johnson, Charlie Langham, Clyde Panneton, Jenny Douglass, Fran Hollinger, Paul Bednarowski, Greg McNally, Eddie Boyett, Tom Kuhl, Sherry Sullivan, Gregg Mims, James Gillespie, Lonnie Mixon, and Mike Ford. He announced the first meeting will be held on Wednesday, June 30, 2010 at 5:00 p.m. in the Delchamps Room.

City Administrator Gregg Mims addressed the City Council and mentioned there were two resolutions involving upgrades to the Fairhope Municipal Stadium. He stated we do not have a choice due to safety issues with the stadium. The first resolution is to declare an emergency and the second resolution is to authorize the Mayor to execute and agreement with Volkert, Inc. to perform engineering services, construction management, and associated inspections for the upgrade.

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

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Timothy M. Kant is hereby authorized to execute and Agreement for Professional Services with Volkert, Inc. to perform Engineering Services, Construction Management, and Associated Inspections for the Municipal Stadium upgrade. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

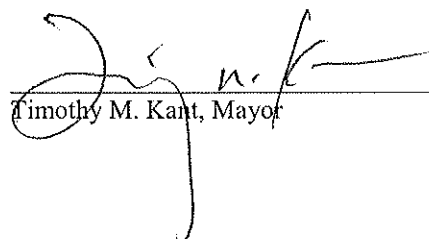
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28 June 2010


RESOLUTION NO. 1660-10

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute an Agreement for Professional Services with Volkert, Inc. to perform Engineering Services, Construction Management, and Associated Inspections for the Fairhope Municipal Stadium upgrade (Project Number PW005-10).

DULY ADOPTED THIS 28TH DAY OF JUNE, 2010


 Timothy M. Kant, Mayor

Attest



 Lisa A. Hanks, City Clerk

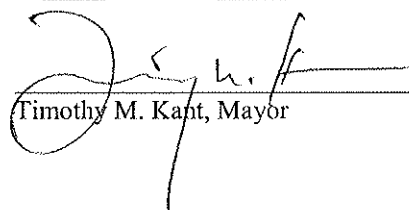
Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution declaring the Fairhope Municipal Stadium to be an emergency affecting public health, safety, and/or convenience due to the safety issues brought to the attention of the City of Fairhope. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 1659-10

Pursuant to *Ala. Code* § 39-2-2(e) in case of an emergency affecting public health, safety, or convenience, as declared in writing by the awarding authority, setting forth the nature of the danger to the public health, safety, or convenience which would result from delay, contracts may be let to the extent necessary to meet the emergency without public advertisement. The action and the reasons for the action taken shall immediately be made public by the awarding authority upon request.”

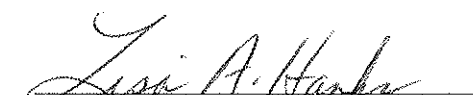
WHEREAS, the City of Fairhope has a safety issue at the Fairhope Municipal Stadium; and

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, hereby declares the Fairhope Municipal Stadium to be an emergency affecting public health, safety, and/or convenience due to the safety issues brought to the attention of the City of Fairhope.

ADOPTED AND APPROVED THIS 28TH DAY OF JUNE, 2010


 Timothy M. Kant, Mayor

Attest:



 Lisa A. Hanks, City Clerk

28 June 2010

Michael Maxwell, Eastern Shore Chamber of Commerce, addressed the City Council and briefly discussed the Local Business Research Task Force Report. He also passed out a copy of the 2010 Survey which was the basis for the report. Since last year, the economy has not changed and now holding our own is now a success.

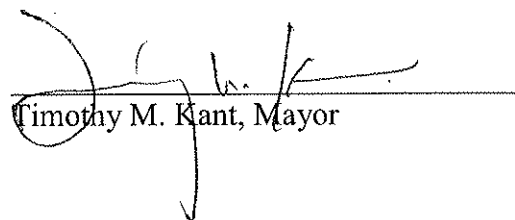
Bob Higgins, Baldwin County Economic Development Alliance, addressed the City Council regarding BCEDA being named one of the Top Ten Groups of 2009 by Site Selection Magazine for economic growth for which they received one of the Top Economic Development Group Awards for 2009. Mr. Higgins presented the City of Fairhope with a replica of this award.

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Timothy M. Kant is hereby authorized to write a letter to DHS/FEMA, Grant Programs Preparedness, in support of the Fairhope Volunteer Fire Department applying for Assistance to Firefighters Support Grants for Operations and Safety equipment for a new radio system. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1661-10

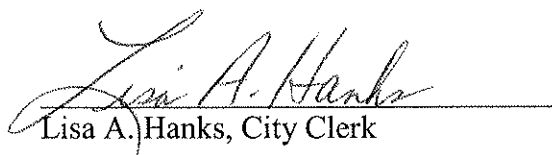
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to write a letter to DHS/FEMA, Grant Programs Preparedness, in support of the Fairhope Volunteer Fire Department applying for Assistance to Firefighters Support Grants for Operations and Safety equipment for a new radio system.

DULY ADOPTED THIS 28TH DAY OF JUNE, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

28 June 2010

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Timothy M. Kant and the Fairhope City Council wish to support development of an ordinance for historic preservation in Fairhope; beginning with downtown Fairhope. The motion was seconded by Councilmember Kingrea and he questioned the area considered downtown. Councilmember Quinn replied that it was the Central Business District ("CBD"). Mayor Kant explained the location of the CBD. Councilmember Ford stated we have been through this before and merchants do not like to be told what to do. Mayor Kant responded that the survey results showed that citizens want to protect downtown. Councilmember Quinn said that around 70% were in favor of downtown Fairhope being historic. She stated there will be several public hearings and nothing was written yet. Councilmember Stankoski questioned the Nut Factory incident and said be careful what you create. After further discussion, motion passed unanimously by voice vote.

RESOLUTION NO. 1662-10

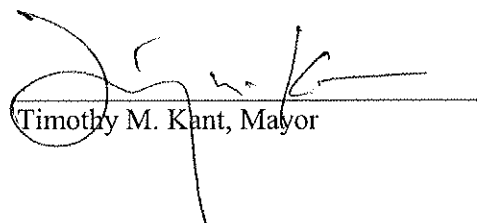
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

In the City of Fairhope 2010 Resident Survey eighty percent of responses on the matter of historic preservation were in favor and seventy percent were in favor for downtown Fairhope. Therefore, Mayor Timothy M. Kant and the Fairhope City Council wish to support development of an ordinance for historic preservation in Fairhope; beginning with downtown Fairhope.

The ordinance would first establish a historic preservation commission with authority in the Fairhope Downtown Historic District listed in the National Register of Historic Places.

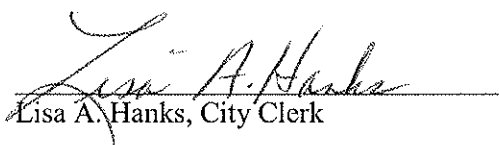
The City Council authorizes Mayor Timothy M. Kant to obtain the necessary support of the Fairhope Downtown Historic District property owners and to draft an ordinance for the Council's consideration. Implementation of the ordinance would be planned to occur in Fiscal Year 2011.

ADOPTED THIS 28TH DAY OF JUNE, 2010



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, City Clerk

28 June 2010

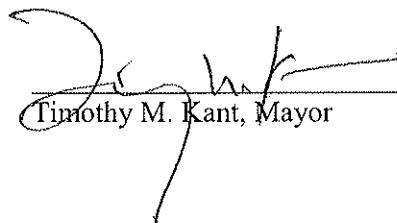
Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Timothy M. Kant is authorized to execute Amendment Number 1 to the Agreement for Engineering Services with Thompson Engineering, Inc. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote. Mayor Kant mentioned that before we start spending we may want to put this as part of the bond issue.

RESOLUTION NO. 1663-10

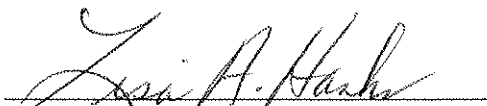
WHEREAS, the City of Fairhope entered into an agreement on April 14, 2009 with Moore Engineering Company, Inc. for the construction of 16" waterline improvements along Baldwin County Road 13 from County Road 48 North approximately 4.4 miles with all necessary appurtenances to make a complete facility including a connection westerly to tie into the Rock Creek Subdivision distribution system. On this project, no payment will be made by the City until funds are available and payments are authorized by the City. The Agreement was subsequently assigned by Moore Engineering to Thompson Engineering, Inc.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute Amendment Number 1 to the Agreement for Engineering Services with Thompson Engineering, Inc. for the following: the scope of work shall include design and construction observation services for the Auburn tank site to include design and construction observation of the elevated storage tank, tank lines, test well and finish well, and treatment facility.

DULY ADOPTED THIS 28TH DAY OF JUNE, 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 that the Mayor is hereby authorized and directed to enter into a contract with RDS to perform the services necessary to administer and collect the Sales/Use Taxes for the City of Fairhope effective beginning with the period of August 1, 2010; and the Mayor is instructed to notify the State of Alabama Department of Revenue immediately of the decision of this Council. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

28 June 2010

RESOLUTION NO. 1664-10

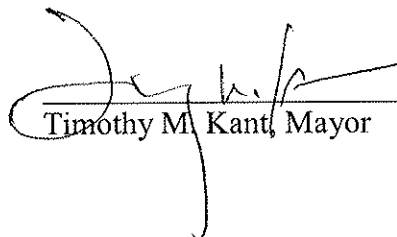
WHEREAS, City of Fairhope, Alabama desires to begin self-collection and administration of City Sales/Use taxes effective beginning the period of August 1, 2010 (with the first collection to be received on or before September 20, 2010); and

WHEREAS, City of Fairhope, Alabama has been presented a proposal by RDS of Birmingham, dated May, 2010, whereby RDS will perform the services necessary to administer and collect the taxes for the City and the City desires to accept such proposal.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope agrees to begin collecting City sales/use tax effective beginning with the period of August 1, 2010 and the Mayor is instructed to notify the State of Alabama Department of Revenue immediately of the decision of this Council; and

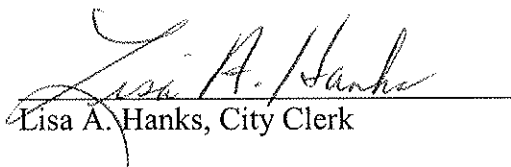
BE IT FURTHER RESOLVED that the proposal presented by RDS dated June 3, 2010, whereby RDS will perform the services necessary to administer and collect the taxes for the City, be accepted and the Mayor is hereby authorized and directed to enter a contract with RDS which conforms to such proposal.

ADOPTED AND APPROVED THIS THE 28TH 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 to Reject Bid No. 036-09 for Potting Soil for the Public Works Department. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

28 June 2010

RESOLUTION NO. 1665-10

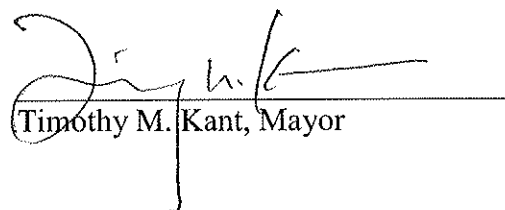
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That the City of Fairhope did request, receive, and open bids for Potting Soil for the Public Works Department (Bid Number 036-09) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[2] At the appointed time and place, only one bid response was received.


[3] After evaluating the bid proposal with the required bid specifications, it was found unacceptable and we request that all bids be rejected for Bid No. 036-09.

Adopted on this 28th 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 to Rescind Bid for Backhoe-Loader Three Year Lease (Bid No. 008-10) from Beard Equipment Company and Award the Bid to Thompson Tractor Company, Inc. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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28 June 2010

RESOLUTION NO. 1666-10

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

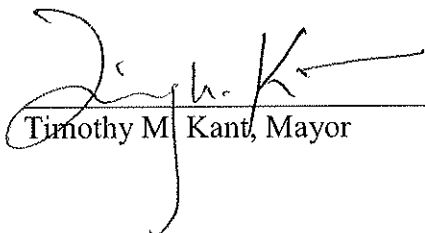
[1] That on April 12, 2010 the City of Fairhope did award Beard Equipment Company, Bid No. 008-10, with the total bid proposal of \$59,849.28, for Backhoe-Loader Three Year Lease for the Public Works Department.

[2] That after the Notice of Award was issued to Beard Equipment Company on April 23, 2010, the vendor announced inability to comply with the terms and conditions of the City.

[3] That the Public Works Department determined that the bid from Tractor & Equipment Company, Inc. did not meet specifications.

[4] After evaluating the bid proposals with the required bid specifications, the City of Fairhope now rescinds Bid No. 008-10 from Beard Equipment Company, and awards the bid to Thompson Tractor Company, Inc. in the amount of \$103,739.04.

Adopted on this 28th day of June, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to Purchase a Service Truck for the Electric Department. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

28 June 2010

RESOLUTION NO. 1667-10

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 Service Truck for the Electric 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: T195-A Contract Number: 401156

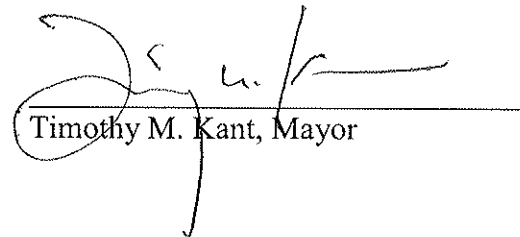
Service Body Cost is \$ 6,381.94

Bid Number: T193-A Contract Number: 4008319

Super Cab – Truck Chassis Cost is \$21,489.00

Ford F-250 Service Truck Total Cost is \$27,870.94 each

Adopted on this 28th day of June, 2010


 Timothy M. Kant, Mayor

Attest:

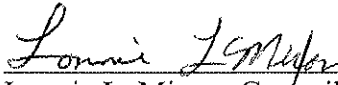

 Lisa A. Hanks, City Clerk

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution to Purchase a Service Truck for the Gas Department. Seconded by Councilmember Ford, motion passed unanimously by voice vote.


28 June 2010

Paul Ripp, 22985 High Ridge Road, addressed the City Council regarding the BP Oil Spill and Fly Creek. He resubmitted his complaint from 2008 and gave a copy to City Clerk Lisa Hanks. Mr. Ripp stated you could compare the BP Oil Spill to the issues with Fly Creek. He said there are two lawsuits and possibly a third one coming; asked the City Council to read the complaint and try to get this resolved. Fly Creek is being damaged every time it rains.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:57 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, City Clerk