

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 December 2009.

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

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 asked if there were any corrections to the minutes from the 14 December 2009, regular meeting. He then stated if there are no corrections, the minutes stand approved as written.

Sherry Sullivan made the following announcements:

- The City of Fairhope New Year Eve Celebration, December 31, 2009 in Downtown Fairhope will begin 8:00 p.m. Streets will be closing between 12:30 p.m. through 1:30 p.m.

A Public Hearing was held as advertised on the request for a Club Liquor – Class I License by Roland Casciano, Chef Ronnell, Inc., located at the Fairhope Yacht Club, 101 Volanta Avenue, Fairhope, Alabama. The public hearing was opened at 6:02 p.m. and closed at 6:02 p.m. No one present was opposed to the Club Liquor – Class I License. Councilmember Ford moved to approve the issuance of the license. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Council President Mixon stated he wanted a study group to look into the Public Works Department on operations and organization. The members would be Gregg Mims, James Gillespie, Charlie Smith, and Debbie Quinn.

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

1. Mentioned the updates to the Water & Sewer rates
2. Also mentioned the update to the City's Zero Tolerance Policy. Both of these have been handed out to the City Councilmembers for their review.

28 December 2009

3. We will present a resolution at the next City Council meeting regarding a process to purchase items approved in the budget, be allowed to go out on bid, and then bring back to City Council. This process will save time and work for all involved.

Council President Mixon announced that they needed to amend the agenda by adding five items based on the recommendation of the Financial Advisory Committee ("FAC"). Chuck Zunk, chairman of the FAC, addressed the City Council and explained the following five items and recommended the City Council add these to their agenda:

- 1) Allow the Police Department to apply for the ADECA grant and go forward with solicitation for bids on the purchase of an electronic fingerprinting machine.
- 2) Allow the Fire Department to go forward with solicitation for bids on the construction of classroom at training facility.
- 3) Allow the Police Department to go forward with the purchase or solicitation for bids if needed on services to clean HVAC ductwork.
- 4) Allow the Electric Department to go forward with solicitation for bids on one small service type bucket truck.
- 5) Allow the Water & Sewer Department to go forward with solicitation for bids on the lift station on U. S. 98 for Key Allegro.

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

Councilmember Ford moved to allow the Police Department to apply for the ADECA grant and go forward with solicitation for bids on the purchase of an electronic fingerprinting machine. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Stankoski moved to allow the Fire Department to go forward with solicitation for bids on the construction of classroom at training facility. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Ford moved to allow the Police Department to go forward with the purchase or solicitation for bids if needed on services to clean HVAC ductwork. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

28 December 2009

Councilmember Stankoski moved to approve the Electric Department to go forward with solicitation for bids on one small service type bucket truck. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Ford moved to approve the Water & Sewer Department to go forward with solicitation for bids on the lift station on U. S. 98 for Key Allegro. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase two hundred twenty 96 gallon garbage cans and fifty 64 gallon garbage cans for the Public Works Department. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1599-09

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 two hundred twenty (220) garbage containers (96 gal.) and fifty (50) garbage containers (64 gal.) for the Public Works Department. The cost will be approximately \$14,285.00.

Adopted on this 28th day of December 2009



Timothy M. Kent, 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 services to wash out, inspect and perform specified repairs to three water towers for the Water & Sewer Department. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

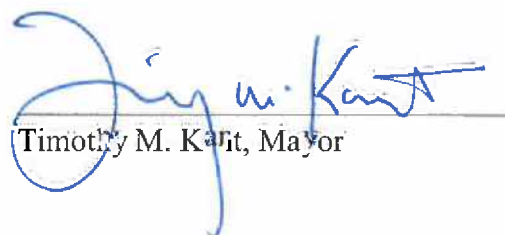
28 December 2009

RESOLUTION NO. 1600-09

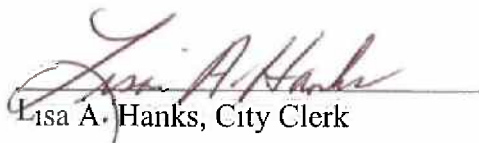
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That the City of Fairhope has voted to purchase services to wash out, inspect and perform specified repairs to three water towers (Nichols St., Highway 33 and South Section) for the Water and Sewer Department. The cost will be approximately \$10,853.00.

Adopted on this 28th day of December 2009


Timothy M. Karit, 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 materials, equipment and installation of five in-car Digital-Ally video systems for the Police Department. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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28 December 2009

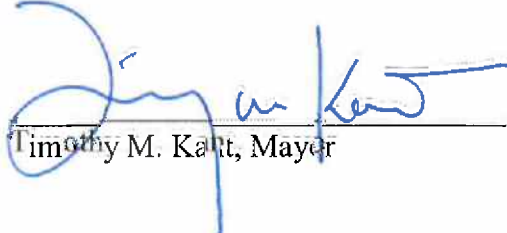
RESOLUTION NO. 1601-09

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 materials, equipment and installation of five (5) in-car Digital-Ally video systems for the Police Department. The cost will be approximately \$22,875.00.

[2] The system has hardware and software that will not interface with other equipment or software. Per Code of Alabama 1975, Section 41-16-51 (a)(11), this does not have to be bid.

Adopted on this 28th day of December 2009



Timothy M. Kalt, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase two Ford Expeditions for the Police Department from the Alabama State Department of Purchasing bid list. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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28 December 2009

RESOLUTION NO. 1602-09

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 Two Vehicles for the Police Department and the type of vehicles needed are 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: 4010935

Two Ford Expedition SSV Vehicles

Cost \$24,302.00 each

Total Cost **\$48,604.00**

Adopted on this 28th day of December, 2009



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 Ford Expedition for the Police Chief for the Police Department from the Alabama State Department of Purchasing bid list. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

28 December 2009

RESOLUTION NO. 1603-09

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 Vehicle for use by the Police Chief for the Police Department and the type of vehicle needed is on the Alabama State Department of Purchasing bid list and therefore does not have to be let out for bid; and

[2] The following is the Alabama State Department of Purchasing contract information:

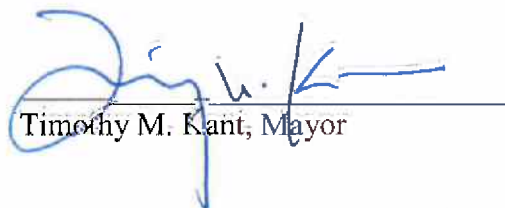
Bid Number: T191

Contract Number: 4010935

Ford Expedition SSV Vehicle

Total Cost is \$25,532.00 each

Adopted on this 28th day of December, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution with specified amendments, a resolution stating that the City Council and Planning Commission meetings shall be taped for a verbatim transcript to be on record and to aid in the preparation of the minutes. The amendments are the wording changed from "to be taped" to "to be recorded" and the length to retain the recordings from "a seven-year period" to "a five-year period." The motion was seconded by Councilmember Stankoski. Councilmember Ford stated five years was a long time and asked City Clerk Lisa Hanks what was the law regarding the recordings. Ms. Hanks replied you only have to keep the recordings until the minutes are approved, then you can destroy any time after approval.

28 December 2009

Councilmember Kingrea mentioned that he spoke previously to the Alabama League of Municipalities about changing the minutes and their response was minutes can be changed at any time. He said this will be an accurate accounting of what was said and who said it; and the actual minutes will reflect the more general topics. Councilmember Stankoski stated this adds a layer of safety and breathes transparency.

After further discussion, Councilmember Ford moved to amend the resolution for the length to retain the recordings from "a seven-year period" to "two weeks." This motion died for lack of a second.

Council President Mixon stated we have the initial motion on the floor as amended and seconded: that all City Council and Planning Commission meetings shall be recorded, retained for a five-year period, and then destroyed, motion passed by the following voice votes: AYE – Stankoski, Mixon, and Kingrea. NAY - Ford.

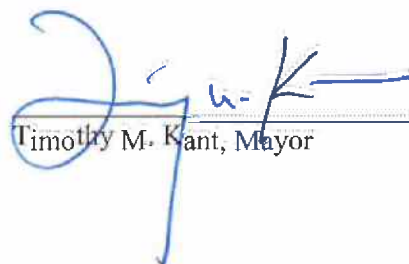
RESOLUTION NO. 1604-09

WHEREAS, the City Council desires for the City Council meeting and the Planning Commission meetings to be recorded for a verbatim transcript to be on record and to aid in the preparation of the minutes; and


WHEREAS, the City Council desires to retain these tapes for a period of five years; even though the State of Alabama Department of Archives and History along with the Local Government Records Commission requires audio or video recordings provide a verbatim account of debate and public input at meetings of the municipal council and municipal boards, commissions, or similar bodies. They are normally used only as an aid to preparation of the minutes and retained until minutes are approved; and

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that all City Council and Planning Commission meetings shall be recorded, retained for a five-year period, and then destroyed.

Adopted on this 28th day of December, 2009


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, City Clerk

28 December 2009

Council President Mixon explained the Site Plan Review and the recommendation by the Planning Commission based on four conditions of property owned by Broadmoor Design, L.L.C. Located at the at the southeast corner of the intersection of Parker Road and Highway 98, Fairhope, Alabama for a proposed bank (Iberia Bank). Councilmember Kingrea moved to approve the Site Plan property owned by Broadmoor Design, L.L.C. listed above. Seconded by Councilmember Ford, motion passed by the following voice votes: AYE – Mixon, Ford, and Kingrea. NAY – None. ABSTAIN - Stankoski.

PLANNING COMMISSION RECOMMENDATION:

The application was heard on November 2, 2009. The Planning Commission voted to approve conditional upon the following:

1. Note 1 on the Landscape Plan shall be removed and replaced with a not stating "The existing naturalized landscape buffers on the proposed site shall not be disturbed by any construction. No construction activities are allowed in the buffer. Only plant installation is allowed. Tree protection barrier shall be erected prior to any construction and maintained until construction is complete."
2. Tree protection fencing/barrier shall be erected prior to any construction and maintained until construction is complete. The existing vegetation in the required buffer area on site shall not be disturbed.
3. Existing azaleas are to remain in the west buffer along Highway 98.
4. A tree inventory for the naturalized buffer is required prior to the issuance of land disturbance and/or building permit.

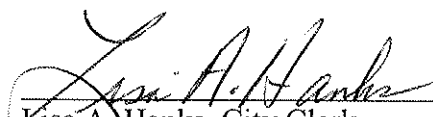
Councilmember Kingrea moved to approve the request from The Public Works Department for bid solicitation for the procurement of potting soil. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Council President Mixon announced that Paul Ripp had decided not to speak to the City Council, but instead he will write a letter.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:25 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, City Clerk