

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, 11 May 2009.

Present were Council President Debbie W. Quinn, Councilmembers: Daniel Stankoski, Lonnie L. Mixon, 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 Quinn called the meeting to order. The invocation was given by Reverend Donald M. Smith, Priest at St. James Episcopal Church, and the Pledge of Allegiance was recited.

Council President Quinn announced that they needed to amend the agenda by adding on an Executive Session to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value or real property.

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

Councilmember Kingrea moved to approve minutes of the 27 April 2009, regular meeting and the 6 May 2009, Special City Council meeting. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

Sherry Sullivan made the following announcements:

- Public Works Week is next week and tours will be available
- Farm Market begins next Thursday from 4:00 p.m. until 6:00 p.m. on Church Street. We have 15 signed up for this year's event.
- Fairhope Garden Club will have its Garden Walk on May 23, 2009 from 10:00 a.m. until 4:00 p.m.

The following proclamation was read by Sherry Sullivan and presented by Mayor Kant to the Fairhope High School Soccer Team for their success in winning the State 6A Soccer Tournament this past weekend:

11 May 2009

### FAIRHOPE HIGH SCHOOL SOCCER TEAM

**WHEREAS**, IT GIVES ME A GREAT DEAL OF PLEASURE TO EXPRESS TO ALL THE MEMBERS OF THE FAIRHOPE HIGH SCHOOL SOCCER TEAM, ON BEHALF OF THE CITY COUNCIL AND ALL OUR CITIZENS CONGRATULATIONS ON YOUR FIRST PLACE FINISH IN THE STATE 6A SOCCER TOURNAMENT; THE FIRST PUBLIC SCHOOL SOUTH OF BIRMINGHAM TO EVER EARN THIS HONOR; AND

**WHEREAS**, THIS HAS BEEN AN EXCITING, HARD-FOUGHT AND SUCCESSFUL SEASON AND WE ARE PROUD OF THE RECORD YOU HAVE EARNED AND THE PUBLICITY YOU HAVE BROUGHT TO THE CITY BY YOUR INSPIRED TEAM PLAY; AND

**WHEREAS**, WE ARE PLEASED TO PUBLICLY COMMEND YOU FOR YOUR FINE EFFORTS AND TO EXTEND THIS TOKEN OF ADMIRATION WITH WHICH YOU ARE REGARDED IN OUR CITY.

The 2009 Boys Varsity Squad was introduced by Coach Paul Stroud and Assistant Coach Bob Keyser:

Thomas Kinsey	Ty Malugani	Bobby Douglass
Kevin Hickman	Nathan Haywood	Riley Garvin
Parker Williams	Chad Dolan	Ivan Uribe
Kyle Sherrin	Collin Hunt	Patrick Marsh
Blakeley Terral	Spencer Baumhower	Michael Keyser
London Bicker	Brandon Landau	Jamason Cherrix
Riley Tart	Isaac Landa	Benjamin Studstill
Gibbs Pearson	Ian Dingwall	Jonathan Smith

Coach Stroud thanked Mayor Kant and the City Council for their support and said their facility at the High School was the best in the State.

Lynn Fridley, from Maddie's Fund, addressed the City Council and thanked The City of Fairhope for The Haven: Fairhope's no kill animal shelter and the work it does for animal protection. She announced that The Haven recently received two state awards from the Alabama Animal Control Association (AACA). AACA is a state organization made up of administrators and animal control officers from across Alabama. The awards were for "Administrator of the Year" presented to Michael Graham and "Support Staff of the Year" which was presented to The Haven's staff.

Mayor Kant addressed the City Council and presented the following letter vetoing the Sales Tax issue and Power Point presentation which included his proposed cuts for the General Fund:

11 May 2009



Mayor Timothy M. Kant  
City Clerk Lisa Hanks  
City Council  
Finance Department  
Police Department  
Public Works Department  
Fire Department  
Library  
Community Center  
Senior Center  
Parks and Recreation  
Public Safety  
City Manager  
City Attorney  
City Engineer  
City Planner  
City Administrator  
City Treasurer  
City Clerk

MEMO

TO: Lisa Hanks, City Clerk  
FROM: Timothy M. Kant, Mayor  
DATE: April 30, 2009  
RE: Sales Tax Ordinance Veto

As you know, I have said repeatedly we did not need a sales tax at this time. I campaigned on this principle when I ran for my first term in 2000, repeated it when I ran for my second term in 2005, and in the midst of a loud, long, and ongoing flap about city finances emphasized it again as I sought and was successfully re-elected to a third term last fall. The discussion, by some of the absolute need for a city sales tax in Fairhope is indeed nothing new. Back in 1972 when Jim Nix was running for his first term as mayor, there were those who said the city would go bankrupt if a city sales tax was not immediately adopted. Jim Nix said "No -- let's fix the problem," and won that election. Mayor Nix, as everyone knows went on to serve this city for 28 years during which time with the support of outstanding city employees, and volunteer citizens interested in giving back to the city, he built Fairhope into one of the premier cities in the southeast, if not the nation. A city that has attracted people from throughout the world who proudly now call Fairhope home. Is the city flush with money? ...No ... But do we have an outstanding bond and credit rating? ... Yes and our debt is low compared to other cities our size. It's due in large measure to the fact we do not have a sales tax. Our lack of a sales tax serves as our C.D., or certificate of deposit. We can always enact that tax on a moment's notice when an actual emergency situation arises.....And the situation in which we find ourselves right now is NO EMERGENCY. True we've had some tough times in the last 3 to 4 years with back to back hurricanes and now are struggling along with the rest of the nation finding ourselves in the midst of the greatest economic downturn since the great depression. Fairhopeers are strong, proud people, proud of our city and all that we enjoy here and proud we have accomplished all of this without a sales tax. Make no mistake the EASY WAY out would be to enact a sales tax which some want to do. However, if we become dependent on sales tax revenue, it will fuel massive retail growth which will detract from our core downtown business district. In short, the more money we give government,

Page 2

the more money government will spend, so for these reasons, I'm exercising my veto of the sales tax measure. As Councilman Ford and Council President Quinn, the two longest serving members of our Council said Monday night, "the city must cut expenses more aggressively." I agree with that assessment. To Councilmen Stankeski, Kingree, and Finance Chairman Nixon, I say I have been working diligently the past several weeks on my phone to do just that and in the event we found ourselves at an impasse regarding the sales tax issue. And now that we find ourselves at this point, it is time to move forward boldly telling one and all we have clearly heard the voice of the people. This plan will require sacrifice on the part of all of us, Councilmembers who must learn to say no; city employees (which none will lose their jobs) who I know will step forward to do their part at this critical time in our city's history, and citizen volunteers who may be called upon to play an even greater role in our city's future. We must all share in these sacrifices. Will this be easy? No, but I am confident this plan will work and most of all I'm confident that Fairhopeers, perhaps more than most, understand the need for government to operate within its income.

11 May 2009

Financial Statement Review  
Preliminary Report  
as of April 2009

Slide 1

**PROJECTED YEAR END TOTAL REVENUE**

	2009 Budget	Projected Budget	Percent	Amount
Property Tax	\$ 5,000,000	\$ 5,100,000	2.00%	100,000
Local Tax	1,064,100	1,094,099	-4.74%	(50,000)
Licenses & Permits	2,833,800	2,111,340	-25.48%	(722,000)
Fines & Forfeitures	310,000	225,000	-27.42%	(85,000)
Adult Rec	34,000	34,867	0.00%	
Golf Dept	1,720,105	964,500	-43.93%	(755,605)
State of Alabama	242,900	208,148	0.00%	
US Gov't		341,000		341,000
Interest and Rents	236,000	208,543	-11.23%	(28,000)
Charges for Services	4,314,000	4,414,000	-6.36%	(500,000)
Other Revenue	408,800	349,351	-14.31%	(59,200)
<b>Total Revenue</b>	<b>18,551,205</b>	<b>15,056,880</b>	<b>-9.43%</b>	<b>(1,551,305)</b>
Transfers	4,060,000	4,060,000	0.00%	
<b>Total Revenue &amp; Transfers</b>	<b>\$ 20,641,205</b>	<b>\$ 19,149,880</b>	<b>-7.56%</b>	<b>(1,551,305)</b>

Slide 2

**PROJECTED YEAR END EXPENSES**

	Original Budget	Projected Budget	Percent	Amount
General Gov't	\$ 5,130,100	\$ 5,526,253	7.72%	\$ 396,830
Police	3,894,400	3,826,818	-1.83%	(72,966)
Fire	861,000	753,267	-12.81%	(107,713)
Recreation	668,200	912,271	-6.61%	(85,629)
Adult Rec	810,300	414,137	-18.84%	(96,152)
Street	2,661,900	2,422,792	-8.97%	(236,706)
Sanitation	1,726,400	1,458,798	-17.18%	(206,604)
Golf	1,388,000	1,201,088	-13.53%	(187,914)
Debt Service	2,326,000	2,164,900	-8.90%	(161,100)
Appropriations	1,019,800	819,800	-19.61%	(200,000)
<b>Total</b>	<b>\$ 20,608,700</b>	<b>\$ 19,574,144</b>	<b>5.10%</b>	<b>(1,051,201)</b>

Slide 3

**Total Revenue & Expenses  
2009  
Government Funds Only**

Revenue as Projected	\$ 19,149,880
Expenses as Projected	\$ 19,574,144
<b>Shortfall</b>	<b>\$ (424,264)</b>

*Balance Budget for Operations Only*

Slide 4

**Revenue Shortfalls**

Building Related Fees	\$727,000
Impact Fees	\$300,000
Golf Operations	\$755,605
<b>Total</b>	<b>\$1,782,605</b>

Slide 5

**General Government  
Total Cash**

General Fund	\$ 2,259,109
Capital Projects Fund	\$ 1,079,089
Gas Tax Fund	\$ 97,159
<b>Committed Funds</b>	<b>\$ 887,515</b>
<b>Total</b>	<b>\$ 4,332,843</b>
<b>Committed Funds</b>	
Impact Fee Fund	\$ 570,008
DEA Fund	\$ 43,033
Capital Fund	\$ 228,517
Corrections Fund	\$ 16,614
Debt Service	\$ 27,780
Employee Fund	\$ 1,563
<b>Total</b>	<b>\$ 887,515</b>

Slide 6

11 May 2009

### Fix Revenue Shortfalls

Golf			
Lost	2008	\$	222,000
Projected loss	2009	\$	567,691

\*Fix and revive grounds  
 \*Work on management plan when course re-opens  
 \*Breaking even instead of losing cash will add \$600,000 back to the General Fund

#### Building and Planning

\*Keep City on "no hire" for full time employees  
 \*Move personnel to fill in other capacities as people retire or leave  
 \*Work to have a plan when building activity increases

Slide 7

- ### PROPOSED CUTS FOR THE GENERAL FUND
1. June 1<sup>st</sup> - Once/Week Garbage Service. Savings of \$16,000/month
  2. Next 3 Holidays - City will be completely shut down
    - a. Employees Scheduled to Work Holiday will take another day off
  3. All Warehouse Operations will move to 10 Hour days, 4 Days per week
  4. All part time workers at Golf Course will be given choice to fill in other areas of the city or be off until September, when course re-opens
  5. Golf Pro-Shop employees will be re-assigned to other City positions
  6. Re-Evaluate Inmates in City Jail and possibly use County Jail
  7. Work with County on trash & recycling pickup
  8. Work with Police Department to collect all outstanding fines
  9. Further reduce electricity usage for the City, we are currently down 25% from this point last year.
  10. Sell the 5 used Police Cars.
  11. No overtime for the remainder of the year

Slide 8

### General Fund Cash for Operation for remainder of 2009

Cash (Excess revenue as of 04/2009)	\$ 1,489,912
Revenue to be collected 2009	5,683,890
*Transfer for Utilities 2009 (loan or transfer)	<u>600,000</u>
	\$ 7,753,802
Expenses for remainder of 2009	<u>7,629,416</u>
Surplus 2009	\$ 124,384

Slide 9

- ### Recommendations for Correcting General Fund Shortfall for Fiscal Year 2009
- The additional \$600,000:
- 1) Could be a loan from utilities
  - 2) Leaving transfer rate at 75% of operating revenue

Slide 10

### Utilities Total Cash in Bank

Gas Fund	\$ 521,572
Electric Funds	\$ 1,067,976
Water/Sewer Funds	\$ 1,688,561
Sinking & Deposits	<u>..\$ 2,774,032</u>
	\$ 6,052,141

Slide 11

### Utilities Return on Revenue

Fiscal Year 2008	\$ 4,567,328
Year to Date	\$ 4,712,415
2009 Projected	\$ 6,005,308

Slide 12

11 May 2009

Utilities Transfer Past 10 Years	
1999 \$	3,929,351
2000 \$	3,435,320
2001 \$	4,167,792
2002 \$	4,654,781
2003 \$	5,293,525
2004 \$	5,561,528
2005 \$	4,876,111
2006 \$	5,325,589
2007 \$	4,897,503
2008 \$	5,228,182
Projected 2009 \$	4,600,000

Slide 13

The City Does Have a Debt Reduction Plan	
2009	\$ 1,702,800
2010	\$ 1,703,045
2011	\$ 1,482,711
2012	\$ 1,500,000
2013	\$ 1,565,000

\*Reduction of principle  
 \*Government will be paid off in 23 years  
 \*Utilities Debt will be paid off in 17 years

Slide 14

In Summary
-The City is not bankrupt!
-The City utilities are and always have made money!
-We still have a A+ Credit Rating
-We have \$10,000,000 in the Bank!!
-General Government is ONLY down 7.56% in Revenue this year

Slide 15

Councilmember Mixon mentioned the Mayor's news release which stated the Council should learn to say no. He asked the Mayor; what are you referring to? We have cut overtime, put a freeze on hiring, stopped the purchase of a boat, limited the Mayor's discretionary fund, temporarily halted the Education Program for employees, and stopped capital expenditures.

Councilmember Kingrea asked the Mayor; where did you number come from? Mayor Kant replied from the P & L Statement and the annual audit. Councilmember Kingrea asked; why did it take 10 years to make these cuts? Mayor Kant replied we cut every year, but it was drastic this year. Councilmember Kingrea asked; if your cuts are approximately \$1,051,000 where is the \$400,000 deficit coming from? Mayor Kant answered from transfers or a loan. Councilmember Kingrea asked about money for the infrastructure such as cast iron pipe that would need to run under the City and replacing telephone poles. Councilmember Kingrea said if we have a \$1.5 million dollar deficit, I am concerned about the City's finances being one big pot and

11 May 2009

not separated. We have real problems and next meeting I will introduce an Ordinance limiting transfers from the Utilities to the General Fund at 50%. Councilmember Kingrea told the Mayor that he presented a short term solution for a long term problem without a Sales Tax. He asked the Mayor; "why did you veto the Sales Tax?" Mayor Kant replied; it is in my letter and went on to say, in 1989 the population of Fairhope was between 8,000 and 9,000 and overnight it went to around 13,000. Councilmember Kingrea once again asked; where are we going to get the \$400,000? Mayor Kant answered it is in the 75% of the \$6,000,000. Councilmember Kingrea stated the following: "Figures don't lie, but liars figure." Mayor Kant said we are doing great compared to the world.

Councilmember Stankoski stated to the Mayor; you vetoed the Sales Tax proposal. How does the City become proactive with these long term projects? We are managing by panic. Instead of upgrading transformer on Church Street for the future, we purchased a refurbished transformer. How do we get out of living day-to-day and paycheck-to-paycheck? We have no Reserve Fund; it is used as an Operating Fund. If the Sales Tax passes, 50% will go into a real "Rainy Day Fund." Can we use \$6 million right now if needed?

Mayor Kant replied that is cash where you could write a check tomorrow if you needed it. Water & Sewer has approximately \$700,000 in its Fund if needed. The Electric Department never kept in stock transformers and the fire retardant clothing should have been in the budget at the start.

Councilmember Mixon stated the Council will be more active in next year's budget.

Councilmember Mixon moved to override the Mayor's veto of Ordinance No. 1385, an Ordinance to levy a privilege, license or excise tax against persons, firms, or corporations storing, using, or otherwise consuming or engaged in the business of selling at retail tangible personal property or conducting places of amusement in the City of Fairhope, Alabama, and its Police Jurisdiction; and provides for penalties for the violation of this ordinance, which is known as the 2% Sales & Use Tax Ordinance. Councilmember Kingrea seconded the motion to override the Mayor's veto.

Councilmember Ford stated that Mayor Kant has done a pretty good job and brought out what others don't want to believe. If we have a hurricane, we will do what we have to and borrow for the emergency. We have hit a bump in the road; and then panicked and introduced a Sales Tax. We have taken in more money this year too! The Utility Reserves are there to spend when needed. He said; "I do not believe we need a Sales Tax yet."

Councilmember Kingrea responded by asking; what part don't you understand when the expense line has crossed the revenue line.

11 May 2009

The Sales Tax vote was called for and Council President Quinn requested to have her vote called last. Councilmembers Stankoski, Mixon, and Kingrea voted yes and Councilmember Ford voted no. Council President Quinn was called upon to cast her vote and made the following statement: I met with Mayor Kant this past week on the City's finances. We will have a 1.5 million deficit and have to go out on a loan. However, even with cuts we will still be short at the end of the year. Therefore, I am voting yes to the 2% Sales Tax. After further discussion, motion to override the Mayor's veto of Ordinance No. 1385 known as the 2% Sales & Use Tax Ordinance passed by the following voice votes: AYE - Quinn, Stankoski, Mixon, and Kingrea. NAY - Ford.

Jim Horner, Chairman of the Fairhope Environmental Advisory Board, addressed the City Council requesting permission for Mayor Timothy M. Kant to sign letter to MBNEP for a direct appropriation for the City of Fairhope to hire the Alabama Geological Survey for a Sedimentation Study of Fly Creek at no cost to the City. Mayor Kant stated that they require the entity to implement their findings. Council President Quinn said she hoped the City would clean up Fly Creek. After further discussion, Councilmember Mixon moved to grant the request of the Fairhope Environmental Advisory Board. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Council President Quinn announced that Item 5. B. is minutes from Special Boards and Commissions being presented and reviewed by the City Council:

B. Strategic Planning Committee

Review minutes from meeting held April 9, 2009

Councilmember Stankoski called on Vann Saltz, Chairman of the Chief of Police Search Committee, to give an update from the Committee. Mr. Saltz stated that after receiving 116 applicants, the Committee narrowed it down to 25 applicants, and then to 10 applicants. We had telephone interviews with the Top 10 applicants which started at 8:15 a.m. and lasted until 4:00 p.m., and finally have the Top 5 applicants.

The Search Committee members are Bob Callahan, Valerie Chaney, Pam Caudill, Rick Wilson, Mayor Kant, Councilmember Stankoski, Rhonda White, and Van Saltz. The following are the top 5 applicants chosen by the Committee: Daniel Busken, Richard Moss, Bill Press, Curtis Vanderkooi, and William Sewell.

Councilmember Stankoski said this was yeoman work for the Committee members; hard and dedicated work. He said there was an issue with the Chief of Police search and had been approached by citizens and individuals to put Terry Sanders in the Top 5. The Committee did not want to do this and City Attorney Wynne advised us that the Committee is only an advisory committee to the City Council. Councilmember



11 May 2009

Mixon asked; were there not issues regarding Terry Sanders. Councilmember Stankoski stated that one of the Committee members delegated picking his to 25 applicants to Gregg Mims and Rhonda White. He went on to briefly explain what had occurred with the ranking of the applicants and said Sanders would have made the top 10 if ranked correctly. After further discussion, Councilmember Mixon moved to add Terry Sanders to the list with the top 5 applicants. Seconded by Councilmember Ford, motion passed by the following voice votes: AYE – Quinn, Mixon, Ford, and Kingrea. NAY – None. ABSTAIN – Stankoski.

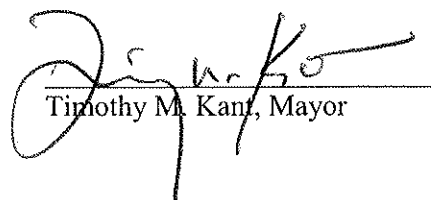
Council President announced that the City Council needed to meet next Monday night with Rhonda White to go over the process to be used for the next step in choosing the Chief of Police.

Councilmember Mixon introduced in writing, and moved for the adoption of the following resolution, a resolution stating that reimbursement for travel, lodging, subsistence and other related expenses by Fairhope Elected Officials must be pre-approved by the City Council before the expenses are incurred. Councilmember Ford questioned that we are talking here in general are we not. We don't want to micro manage. Council President Quinn said she was on a committee with the Alabama League of Municipalities and on the board of the National League of Cities; and will have to attend meetings. Councilmember Stankoski stated we have cut out the employees' Education Assistance Program and should cut a couple of expenses ourselves. After further discussion, Councilmember Stankoski seconded the motion to adopt the following resolution, motion passed unanimously by voice vote.

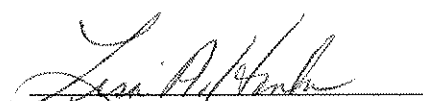
**RESOLUTION NO. 1518-09**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, Stating that reimbursement for travel, lodging, subsistence and other related expenses by Fairhope Elected Officials (Councilmembers and Mayor) must be pre-approved by the City Council before the expenses are incurred.

Adopted on this 11th day of May, 2009

  
Timothy M. Kant, Mayor

Attest:

  
Lisa A. Hanks, City Clerk

11 May 2009

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution requesting that all bids be rejected for Bid No. 015-09 and be allowed to rebid for the Cardiovascular Exercise Equipment for the Fairhope Recreation Center. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

**RESOLUTION NO. 1519-09**

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

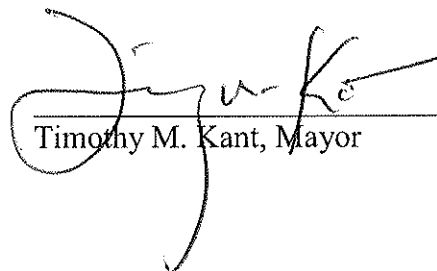
[1] That the City of Fairhope did request, receive, and open bids for Cardiovascular Exercise Equipment for the Fairhope Recreation Center (Bid Number 015-09) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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


Please see attached Bid Tabulation for Cardiovascular Exercise Equipment  
for the Fairhope Recreation Center

[3] After evaluating the bid proposals with the required bid specifications, no bids were acceptable and we request that all bids be rejected for Bid No. 015-09 and allowed to rebid for the Cardiovascular Exercise Equipment for the Fairhope Recreation Center.

Adopted on this 11th day of May, 2009

  
\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, City Clerk

11 May 2009

CITY OF FAIRHOPE  
 BID TABULATION AND RECOMMENDATION  
 BID NO. : 015-09  
 BID NAME: CARDIOVASCULAR EXERCISE EQUIPMENT  
 BID OPENED: 04-28-09  
 Note: Bid Bond Waived

VENDOR	Delivery lead time ARO	Manufacturer	Model	Specification Compliance	Addenda Signed / Ret.	Bid Price Per Unit	Quantity	Total Item Price	Grand Total Bid Price
<b>LIFE FITNESS SALES</b>									
Treadmills		Life Fitness	95TI Item. No. 95TI-DOMLX-01	NO-SEE NOTE 1	YES				not acceptable
Total Body Trainers		Life Fitness	Inspire Cross Trainer Item No. 95CI-ALLXX-01	NO-SEE NOTE 1					
Upright Bike		Life Fitness	Inspire Upright Bike - Item No. 95CI-ALLXX-01	NO-SEE NOTE 1					
Recumbent Bike		Life Fitness	Inspire Recumbent Bike - Item No. 95RI-ALLXX-01	NO-SEE NOTE 1					
Indoor Rower		Concept	CONC- E Rower - Item No. CONC-E-LF	YES					
Spinner Bike		Lemond Revmaster	EXC - Item No. LF35000-7	YES					
<b>STAR TRAC</b>									
Bid not acceptable									
Evaluation revealed Bidder did not submit addendum, did not sign bid.									
<b>FITCO #1</b>									
Treadmills		Cybex	Model 750TWPEM	YES	YES				not acceptable
Total Body Trainers		Cybex	Model 750ATWPEM	YES					
Upright Bike		Cybex	750CWPEM	YES					
Recumbent Bike		Cybex	750RWPEM	YES					
Indoor Rower		Water	IM1 Lo-rise	NO SEE NOTE 2					
Spinner Bike		Schwinn	Evolution	YES					
Freight									
Delivery									
Installation									
<b>BIG FITNESS</b>									
Bid not acceptable.									
Did not follow instructions for marking bid envelope.									
<b>WRIGHT WEIGHT EQUIPMENT</b>									
Bid not acceptable									
Evaluation revealed Bidder did not submit addendum, did not sign bid.									

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to award the RFQ/Quote for Ground Penetrating Radar Equipment for the Fairhope Utilities. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

11 May 2009

**RESOLUTION NO. 1520-09**

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

[1] That the City of Fairhope did request and receive RFQs for Ground Penetrating Radar Equipment for the City of Fairhope Utilities at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

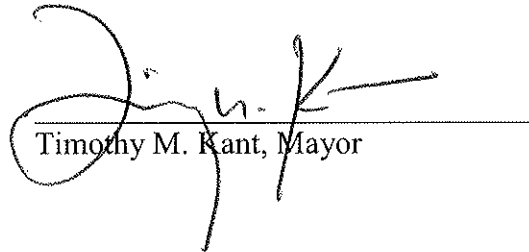
[2] At the appointed time and place, the following RFQs were received and tabulated as follows:

**GROUND PENETRATING RADAR EQUIPMENT**

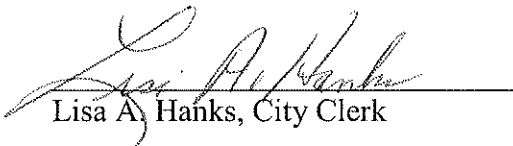
Mainline Supply Company	\$ 14,500.00
Sensors & Software	19,475.00
Consolidated Pipe	29,000.00

[3] After evaluating the RFQ proposal with the required specifications, Mainline Supply Company, with the total RFQ proposal of \$14,500.00, is now awarded the RFQ/Quote for Ground Penetrating Radar Equipment.

Adopted on this 11th day of May, 2009

  
 Timothy M. Kant, Mayor

Attest:

  
 Lisa A. Hanks, City Clerk

Councilmember Mixon introduced in writing, and moved for the adoption of the following resolution, a resolution to award Bid for Strength Equipment for the Fairhope Recreation Center. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

11 May 2009

**RESOLUTION NO. 1521-09**

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

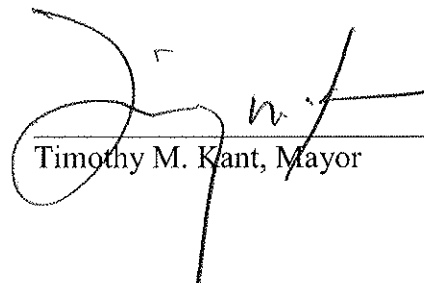
[1] That the City of Fairhope did request, receive, and open bids for Strength Equipment for the Fairhope Recreation Center (Bid Number 016-09) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

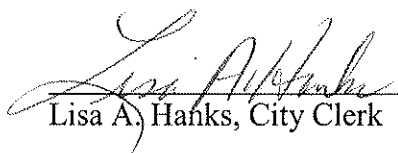
Please see attached Bid Tabulation for Strength Equipment  
For the Fairhope Recreation Center

[3] After evaluating the bid proposals with the required bid specifications, Life Fitness, with the total bid proposal of \$31,923.64, is now awarded the bid for Strength Equipment for the Fairhope Recreation Center.

Adopted on this 11th day of May, 2009

  
\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, City Clerk

11 May 2009

CITY OF FAIRHOPE  
 BID TABULATION AND RECOMMENDATION  
 BID NO. : 016-09  
 BID NAME: STRENGTH EQUIPMENT  
 BID OPENED: 04-28-09  
 Note: Bid Bond Waived

VENDOR	Delivery lead time ARO	Manufacturer	Model	Specification Compliance	Bid Price Per Unit	Quantity	Item Total Price	Addenda Signed / Ret.	Grand Total Bid Price
STAR TRAC	40 days			YES				YES	\$ 32,157.85
Inner/Outer Thigh Machine		Star Trac	9IL-D1015-13BSS	YES	\$ 2,236.50	1	\$ 2,236.50		
Biceps Curl Machine		Star Trac	9IL-S5100-13BSS	YES	\$ 2,012.50	1	\$ 2,012.50		
Legs Curl Machine		Star Trac	9IL-S1011-13BSS	YES	\$ 2,012.50	1	\$ 2,012.50		
Leg Extension Machine		Star Trac	9IL-S1010-13BSS	YES	\$ 2,012.50	1	\$ 2,012.50		
Abdominal/Low Back Machine		Star Trac	9IL-D6330-13BSS	YES	\$ 2,236.50	1	\$ 2,236.50		
Lat Pull Down		Star Trac	9IL-S3310-13BSS	YES	\$ 2,012.50	1	\$ 2,012.50		
Leg Press/Calf Raise Machine		Star Trac	9IL-D1013-13BSS	YES	\$ 2,446.50	1	\$ 2,446.50		
Shoulder Press Machine		Star Trac	9IL-S4100-13BSS	YES	\$ 2,012.50	1	\$ 2,012.50		
Triceps Press Machine		Star Trac	9IL-S6130-13BSS	YES	\$ 2,012.50	1	\$ 2,012.50		
Chest Press Machine		Star Trac	9IL-S2100-13BSS	YES	\$ 2,012.50	1	\$ 2,012.50		
Vertical Row Machine		Star Trac	9IL-S3320-13BSS	YES	\$ 2,012.50	1	\$ 2,012.50		
Dumbbells Set of Ten Pairs		Star Trac	400-0149	YES	\$ 4,058.40	1	\$ 4,058.40		
Adjustable Incline Bench		Star Trac	FBR-716	NOTE 1	\$ 648.75	2	\$ 1,297.50		
Adjustable Decline Bench		Star Trac	FBR-705	YES	\$ 444.50	1	\$ 444.50		
Dumbbell Rack		Star Trac	9IN-R6001-13AAS	YES	\$ 506.25	1	\$ 506.25		
Barbells Set of Ten		Star Trac	400-0217	YES	\$ 2,387.00	1	\$ 2,387.00		
Barbell Rack		Star Trac	FBR-708	YES	\$ 444.50	1	\$ 444.50		
Freight							\$ -		
Delivery							\$ -		
Installation							\$ -		
LIFE FITNESS	40 days			YES				YES	\$ 31,923.64
Inner/Outer Thigh Machine		Life Fitness	FSHAA	YES	\$ 1,399.00	1	\$ 1,399.00		
Biceps Curl Machine		Life Fitness	PBSCSE	YES	\$ 1,899.00	1	\$ 1,899.00		
Legs Curl Machine		Life Fitness	PSSLCSE	YES	\$ 2,199.00	1	\$ 2,199.00		
Leg Extension Machine		Life Fitness	PSLESE	YES	\$ 2,199.00	1	\$ 2,199.00		
Abdominal/Low Back Machine		Life Fitness	FSABBA	YES	\$ 1,399.00	1	\$ 1,399.00		
Lat Pull Down		Life Fitness	PSFPDSE	YES	\$ 1,899.00	1	\$ 1,899.00		
Leg Press/Calf Raise Machine		Life Fitness	PSSLPSE	YES	\$ 3,399.00	1	\$ 3,399.00		
Shoulder Press Machine		Life Fitness	PSSPSE	YES	\$ 1,899.00	1	\$ 1,899.00		
Triceps Press Machine		Life Fitness	PSTPSE	YES	\$ 1,899.00	1	\$ 1,899.00		
Chest Press Machine		Life Fitness	PSCPSE	YES	\$ 1,899.00	1	\$ 1,899.00		
Vertical Row Machine		Life Fitness	PSRWSE	YES	\$ 1,899.00	1	\$ 1,899.00		
Dumbbells Set of Ten Pairs		Life Fitness	rooc set 05-050	YES	\$ 693.00	1	\$ 693.00		
Adjustable Incline Bench		Life Fitness	FWDB	SEE NOTE 2	\$ 459.00	2	\$ 918.00		
Adjustable Decline Bench		Life Fitness		SEE NOTE 3	\$ 699.00	1	\$ 699.00		
Dumbbell Rack		Life Fitness	PWDR2	YES	\$ 549.00	1	\$ 549.00		
Barbells Set of Ten		Intek	BBSSET-20-110	YES	\$ 1,033.20	1	\$ 1,033.20		
Barbell Rack		Life Fitness	FWBAR	YES	\$ 549.00	1	\$ 549.00		
Freight							\$ 1,717.93		
Delivery							\$ -		
Installation							\$ 3,775.51		
FITCO								YES	not acceptable
Inner/Outer Thigh Machine		Precor	PWSRL08	SEE NOTE 4					
Biceps Curl Machine		Precor	PWSRL03	SEE NOTE 4					
Legs Curl Machine		Precor	PWSRL07	SEE NOTE 4					
Leg Extension Machine		Precor	PWSRL05	SEE NOTE 4					
Abdominal/Low Back Machine		Precor	PWSRL14/PWSRL11	SEE NOTE 4					
Lat Pull Down		Precor	PWSRL02	SEE NOTE 4					
Leg Press/Calf Raise Machine		Precor	PWSRL10	SEE NOTE 4					
Shoulder Press Machine		Precor	PWSRL12	SEE NOTE 4					
Triceps Press Machine		Precor	PWC215	SEE NOTE 4					

11 May 2009

GIFFIN RECREATION CO., INC.												NO BID
FITNESS SYSTEMS, INC.												NO BID
FITIZEN LLC FITNESS PRO												NO BID
BILL FRITZ SPORTS CORP.												NO BID

Recommendation: Award bid to Life Fitness for \$31,923.64

To the best of my knowledge this is a true and accurate bid tabulation

*Eddie Boyell* 4/30/09  
Eddie Boyell, Parks and Recreation Director

*Daniel P. Ames* 4/30/09  
Daniel P. Ames, Purchasing Manager

Non-compliance Notes:

STAR TRAC

NOTE 1

Bidder error in extension  
Incorrect extension \$ 648.75  
Correct extension \$ 1297.50  
Incorrect Grand Bid Total \$31,638.90  
Correct Grand Bid Total \$32,157.65

FITCO

NOTE 4

8/3 Unacceptable Eleven of the bid equipment items had exceptions that fail to meet specifications

LIFE FITNESS

NOTE 2

Bidder error in extension  
Incorrect extension \$459.00  
Correct extension \$918.00

NOTE 3

Bidder error in extension  
Incorrect extension \$1398.00  
Correct extension \$ 699.00  
Incorrect Grand Bid Total \$32,163.64  
Correct Grand Bid Total \$31,923.64

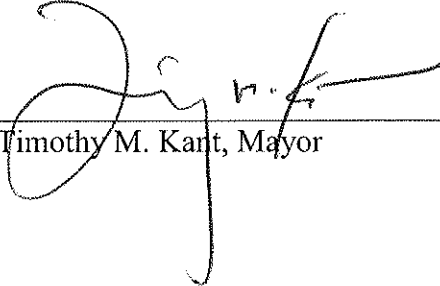
Councilmember Mixon introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute and agreement with Thompson Engineering for Greeno Road Sidewalk Improvements from Southland Boulevard to Spring Run Road. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

11 May 2009

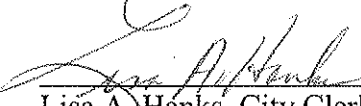
**RESOLUTION NO. 1522-09**

**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 Engineering Services with Thompson Engineering for Greeno Road Sidewalk Improvements from Southland Boulevard to Spring Run Road.

DULY ADOPTED THIS 11TH DAY OF MAY, 2009

  
\_\_\_\_\_  
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 authorize the City of Fairhope Police Department to execute any necessary and appropriate documents so that the City of Fairhope can receive the Edward Byrne Memorial Justice Assistance Grant in the amount of \$10,689.00. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

\*

\*

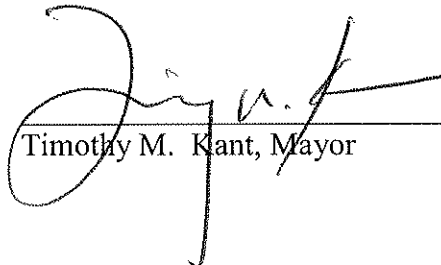
\*



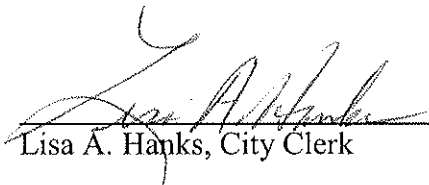
11 May 2009

**RESOLUTION NO. 1523-09**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, authorizes the City of Fairhope Police Department to execute any necessary and appropriate documents so that the City of Fairhope can receive the Edward Byrne Memorial Justice Assistance Grant in the amount of \$10,689.00 to secure computer server that integrates all extensible systems applications, which unifies the management of virtual and physical resources.

DULY ADOPTED THIS 11TH DAY OF MAY, 2009  
\_\_\_\_\_  
Timothy M. Kant, Mayor

ATTEST:

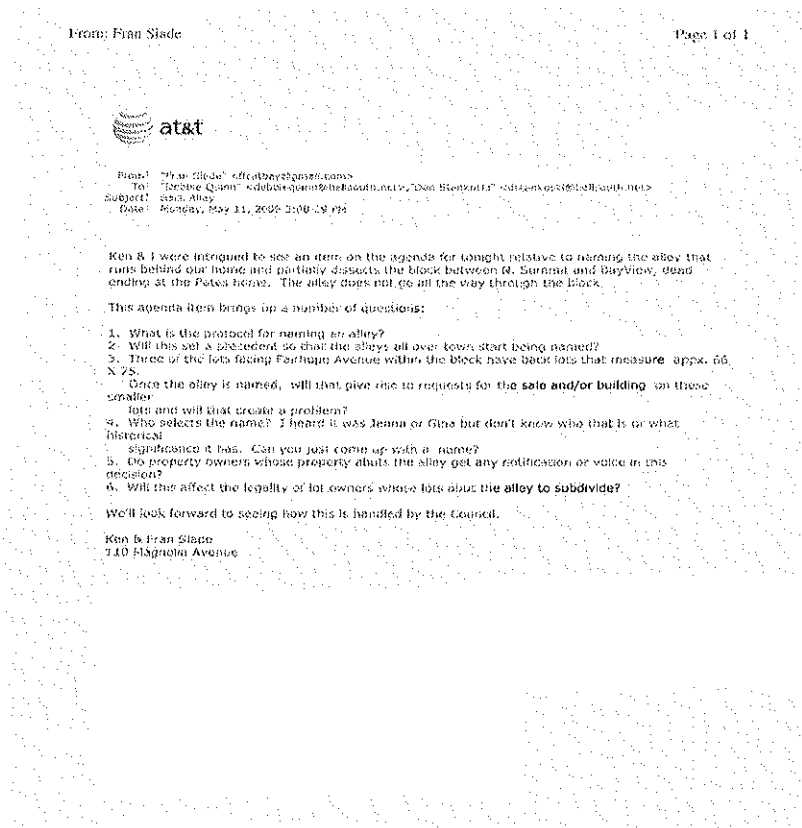
  
\_\_\_\_\_  
Lisa A. Hanks, City Clerk

Richard Pate, 10 North Bay View, addressed the City Council requesting permission to name the easement that runs Westerly from N. Summit Street between Fairhope Avenue and Magnolia Avenue. Councilmember Stankoski asked; have you spoken to your neighbors and mentioned receiving an e-mail from Fran Slade. The following is the e-mail from Mrs. Slade to Councilmember Stankoski which was requested to be placed in the minutes:

\*

\*

11 May 2009



Council President Quinn told Mr. Pate to get with Gregg Mims on this issue. Mr. Pate said he spoke with Planning and they did not have an issue with his request. Council President Quinn said they would put this item back on the agenda for the next meeting; two weeks from now.

Megan Bossard addressed the City Council requesting permission to set up a commissary cart down at the pier from 10:00 a.m. until 2:00 p.m. Monday through Friday. Ms. Bossard said this would be a hot dog cart. City Attorney Wynne stated that anyone operating on City property needs a franchise agreement. Councilmember Kingrea said the City Council needs a standard process for these agenda items. Council President Quinn stated she has been working with City Attorney Wynne on franchise agreements for vendors on City property and setting a policy for the percentage.

Councilmember Stankoski stated he was not interested in allowing any of these items being on City property. Councilmember Ford asked about non-exclusive franchises. City Attorney Wynne said he was working on a policy to be a model agreement for all businesses; whether it is kayaks, bird feeders, vending machines, etc. These are all an issue for the City. Mayor Kant asked; how do we deal with newspapers and magazines? City Attorney Wynne replied he was not sure at this time.

11 May 2009

City Council reviewed an application for a Restaurant Liquor License by James Abner White, Abner's of Fairhope, LLC, d/b/a Abner's of Fairhope, located at 300 Fairhope Avenue, Fairhope, Alabama. Councilmember Mixon moved to approve the issuance of the license. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

City Council reviewed an application for a Beer/Wine Off Premises License by Edmon Earl Betts as General Manager for Publix Alabama, LLC #1265 located at 22530 U. S. Highway 98, Suite 100, Fairhope, Alabama. Councilmember Mixon moved to approve the issuance of the license. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

City Council reviewed an application for a Beer/Wine On/Off Premises License by Claudia Evans, Ford's Fuel, LLC, d/b/a Ford's Fuel, located at 505 Fairhope Avenue, Fairhope, Alabama. Councilmember Mixon moved to approve the issuance of the license. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Stankoski stated that he had approved several alcoholic beverage licenses, but he was concerned with the number of them in the past few months; and did not want to see a Dauphin Street in Fairhope. He said merchants may want to look at this issue and we need to keep it as charming as it is. Mayor Kant responded by stating he does not want this to happen either.

Councilmember Mixon moved to pay bills as presented. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Calvin Hunt addressed the City Council and apologized for his actions at the prior City Council meetings. Mr. Hunt said he was here to work with the City Council and needed them to help with City issues.

At the request of the City Attorney, Marion E. Wynne, the City Council will rise from the meeting to go into Executive Session to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. The approximate time to be in Executive Session is 30 minutes.

Councilmember Ford moved to go into Executive Session. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

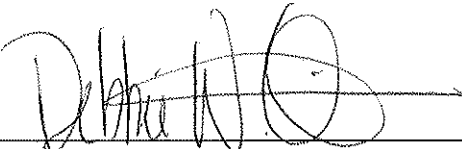
Exited the dais at 7:36 p.m. Returned at 7:47 p.m.

11 May 2009

Councilmember Mixon moved to appoint Councilmember Ford and Mayor Kant to negotiate buying property for the Recreation Board and then report back to the City Council. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

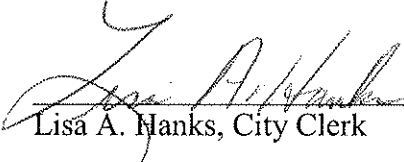
Councilmember Mixon moved to adjourn the meeting. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:49 p.m.



---

Debbie W. Quinn, Council President



---

Lisa A. Hanks, City Clerk