

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 Tuesday, May 26, 2009.

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

There being a quorum present, Council President Quinn called the meeting to order. The invocation was given by Dr. Jerry Henry, Pastor at First Baptist Church, and the Pledge of Allegiance was recited.

Council President Quinn said we need to amend the agenda to add the following items: Consideration of amending the budget and Tree Committee under Special Boards and Committees.

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

Councilmember Dan Stankoski moved to approve the minutes of May 11, 2009 Regular City Council meeting with one amendment by Councilmember Kingrea who said his quote was "Figures don't lie, but liars figure", April 27, 2009 Work Session and May 11, 2009 Work Session. Seconded by Councilmember Mixon with noted amendment, motion passed unanimously by voice vote.

Sherry Sullivan made the following announcements:

- Fairhope was recently featured in Smithsonian magazine
- Farmers Market has started and will extend across Church St for more vendors
- Baldwin Pops Concert scheduled for May 31st on the bluff
- Grandman Triathlon this weekend at the bay
- Walking Tours to begin in June sponsored by the Al. Bureau of Tourism

26 May 2009

A public hearing was held as advertised on a proposed ordinance to amend the Zoning Ordinance No. 1253. Councilmember Ford introduced in writing an Ordinance requesting to rezone the property of Thomas Toombs of Black Angus Development, LLC from R-2 Medium Density Single Family Residential to PUD (Planned Unit Development). The property known as Dogwood Subdivision is located on the northeast corner of Valley Street and Middle Street.

Planning Director Jonathan Smith explained the proposed ordinance:

STAFF INTERPRETATION:

The subject property is zoned R-2 (Medium Density Single-Family Residential). The applicant is requesting to rezone to PUD (Planned Unit Development). The property is currently developed as an eight (8) lot recorded subdivision. All lots within the development are vacant and are platted per the R-2 zoning district area and dimensional requirements. The subject property (Dogwood Subdivision) is approximately 3.9 acres. The PUD zoning district requires a minimum of three (3) acres.

The applicant's PUD request consists of Single Family homes and Accessory Structures/Dwelling Units with up to 750 square feet of Gross Floor Area, and home occupations as permitted by the Zoning Ordinance. The applicant is requesting the following setbacks: front – 25', rear – 30', interior side – 6', street side – 20'. A 35' maximum building height and 40% Maximum Lot Coverage provision is proposed. Exterior Building Materials are proposed to consist of brick, wood, hardiplank, stucco, and vinyl for accent only.

Per this request, the subdivision will remain as platted with the exception of allowing Accessory Dwelling Units, decreased setbacks and an increased maximum building height.

Typical setbacks for the R-2 zoning district are as follows: front – 35', rear – 35', side – 10' and street side – 20'. The maximum building height in the R-2 zoning district is 30' and the maximum lot coverage allowed for the principle structure is 37%.

The applicant appeared before the Planning Commission on January 5, 2009 for Informal Review to discuss the possibility of rezoning the project to PUD to accommodate a higher maximum building height and a reduction in setbacks. The members on the Planning Commission offered various comments. Many were content with the current R-2 regulations regarding building height and some requested additional building height information from staff.

26 May 2009

Staff presented additional building height information to the Planning Commission on March 2, 2009. Staff's report indicated that the established building heights in the Zoning Ordinance appear adequate for the needs of Fairhope citizens.

Per the City of Fairhope Zoning Ordinance, "the Planned Unit Development District is intended to encourage innovative development that meets comprehensive plan goals and is tailored to the unique constraints and conditions of a particular site. This district allows flexibility in uses, designs, and building layouts as opposed to other zoning districts to better serve community needs." (Article III, Section A. 17.)

The adjacent properties within the surrounding area are zoned R-2. Staff performed a general setbacks assessment based on aerial photography of the surrounding area and concluded that some of the existing structures are nonconforming with less than the typical R-2 front-yard and side-yard setbacks. Front yard setbacks range from approximately 25' to 35' on many of the surrounding properties, and interior side yard setbacks appear to vary as well from 5' to 15'. Building heights for adjacent properties and within the surrounding area for residential structures appear to be well below the maximum 30' building height requirement of the R-2 district.

It is staff's opinion that the PUD provision in the Zoning Ordinance is not intended to allow for variations in typical setbacks of the City's single family zoning districts. The property was developed as an R-2 subdivision in 2007 and the R-2 district regulations have not changed since the initial development of the subject property. Where a true hardship exists on a piece of property, the Board of Adjustment is available to review and approve variances to Zoning Ordinance setback and height requirements.

PLANNING COMMISSION RECOMMENDATION:

On March 2, 2009 the Planning Commission unanimously recommended the City Council deny the request to rezone the subject property from R-2 to PUD.

Respectfully Submitted for Consideration,

Jonathan I. Smith
Planning and Building Director
City of Fairhope

26 May 2009

Council President Quinn had asked Jonathan Smith to address stormwater issues and he responded with the following letter:

May 19, 2009

City of Fairhope
City Council
161 N. Section Street
P.O. Drawer 429
Fairhope, AL 36533

RE: Stormwater Issues and Policies

Dear Council:

Staff recently received an e-mail from the Baldwin County Watershed Coalition (BCWC) that indicates this organization, in partnership with the County and many stakeholders, is moving toward a regional stormwater runoff program. This effort will require a great deal of cooperation between the County and the 13 municipalities throughout Baldwin County.

The following text is the City of Fairhope planning staff's response to Council President, Debbie Quinn's letter regarding Stormwater issues and possible efforts in improving stormwater impact areas throughout the City.

Each item/initiative and response is as follows:

1. "Hire a consultant to review our regulations as it relates to storm water management and guidelines to require low impact developments. We need to design future infrastructure to create less storm water. Part of this review should include an evaluation of where detention ponds are located in relation to wetlands. Based on this review and recommendations we can amend our Zoning Ordinance & Subdivision Regulations accordingly. The adopted amendment to the Zoning Ordinance and the Subdivision Regulations would enhance future phases of projects that have not been constructed."

STAFF RESPONSE: Staff supports this idea and has been working with developers to incorporate Low Impact Development (LID) standards into recently approved projects (e.g., pervious pavement systems). A large-scale assessment of City stormwater facilities and wetland areas will be costly, as will Low Impact Development recommendations by a consultant. According to a reputable planning and design firm, the approximate cost of such an endeavor will be around \$50,000.00 ±; this number represents the cost of field work, regulation review and LID recommendations.

Staff feels that incorporating Low Impact Development principles into the City's development regulations will be a beneficial and proactive approach to guiding future development. A project of this nature must be authorized by the Mayor and Council and should be budgeted.

26 May 2009

2. "An improved construction phase inspection for all projects in the City would help greatly. This would require that the engineer of record provide us with a certified document for every phase of development.... land clearing, BMP installation, drainage installation, road paving, building construction....all the way up to the day he receives his C.O. (Certificate of Occupancy)."

STAFF RESPONSE: The Planning and Building Staff will work on requiring additional certification and inspection processes.

We are currently preparing to amend the City's BMP and Erosion Control Ordinance to include similar provisions as described in the initiative above. The new inspection process will include an Initial BMP Inspection, an inspection after clearing and grading is complete, an inspection after drainage features have been installed, a before construction completion inspection and each phase of construction shall require a separate (additional) site inspection, before the next phase begins.

3. "We need a full scale inspection and audit of all detention facilities in the city planning jurisdiction. We should implement a detention pond inspection program, whereby we inspect all ponds on an annual basis. This inspection would simply verify the following.... 1. That the pond is being regularly maintained 2. That all trash and loose debris is being removed from the pond, and 3. That the outfall structure has been kept clean. We could establish an Ordinance for this effort and include a fee for the inspection...billed to the P.O.A./developer/property owner, etc."

STAFF RESPONSE: Assistant Public works Director, Ken Eslava has volunteered to take the lead on this initiative. The Planning Staff will work with Ken in any way necessary to accomplish this task.

The Planning Commission amended the Subdivision Regulations in March of 2007. At this time, a three (3) year stormwater inspection report requirement was inserted into the Subdivision Regulations. This requires owners (POA) to inspect their subdivision stormwater systems and BMP's every three years to make sure the systems are functioning properly. Failure to file the report could result in enforcement action. The 2007 Subdivision Regulations amendments also require a long-term stormwater Operations and Maintenance plan be submitted and recorded with the Final Subdivision Plat. This requirement only applies to subdivisions approved after the March 2007 Subdivision Regulation Amendments.

4. "Pursue all available grants to study the entire Fly Creek Watershed. Study would involve the review of sedimentation, private sewer systems, uncontrolled flow of water from existing developments, including existing residential dwellings, sanitary sewer issues, farm land etc."

26 May 2009

STAFF RESPONSE: Staff supports this study and has been told by the Chairman of the Fairhope Environmental Advisory Board (FEAB) that there are grant opportunities through the National Estuaries Program (NEP) with little to no match requirements that might help fund the sedimentation study of the Fly Creek watershed.

5. "Hire a part-time Engineer to review all subdivision and PUD plats before submittal to the Planning and Zoning Commission and or the City Council. We need an advocate for the city and not keep relying on local firms that have a vested interest in keeping the status quo and working relationships with other engineering firms. That engineer could also be the reviewer for all engineering type inspections...whether it is already built detention ponds or new infrastructure."

STAFF RESPONSE: Staff supports hiring a City Engineer. The Mayor and Council must authorize hiring a City Engineer and his or her salary should be budgeted.

6. "The city needs to develop a plan for public outreach and education regarding detention ponds.....why they are there, what role they play in water quality, how they manage volume, etc. A series of meetings with property owner associations are positive ways that we can answer questions which are unique to their subdivisions."

STAFF RESPONSE: The Planning and Public Works Staff (Jonathan Smith and Ken Eslava) will combine efforts and work on a pamphlet for public outreach that will explain the process and function of stormwater facilities.

Should you need any further information, please feel free to contact me at (251) 990-2884.

Respectfully,

Jonathan I. Smith
Planner
City Of Fairhope

Councilmember Stankoski asked about including a "damage bond" to cover cost of remediation, mitigation, remediation and heavier fines for violations." Jonathan said he could check this out and it could be added.

Councilmember Mixon addressed the Council on the City Administrator Position-In House and said he would like to accept applications from the City Staff for the City Administrator position open and unfilled and so moved. Councilmember Kingrea asked if he wanted to wait until the 2010 and he said no he would like to go ahead and advertise the position and start as soon as possible. Councilmember Kingrea said there is a money problem and he urged him to start in 2010. Councilmember Stankoski asked what about a job description. Council President Quinn said we could open it up, see who applies, and give it six months. Councilmember Ford said we don't need it.

26 May 2009

After further discussion, Councilmember Kingrea seconded the motion and it carried by voice vote with one no vote by Mike Ford.

Councilmember Mixon introduced in writing a resolution stating that the City of Fairhope hereby waives the collection of Sales & Use Tax by ADOR for June 2009 and authorizes collection to become effective July 1, 2009. Councilmember Mixon moved for the adoption of the following resolution. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1524-09

WHEREAS, The Governing Body of the City of Fairhope adopted on April 27, 2009, pursuant to the provisions of Code of Alabama 1975, Sections 11-51-200 through 11-51-207, and 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 Ordinance No. 1385 known as the 2% Sales & Use Tax Ordinance; and

WHEREAS, Section 8 of Ordinance No. 1385 specifies the Effective Date to become effective on the first day of June, 2009, and the first payment of taxes hereunder shall be due and payable on the twentieth day of June, 2009; and

WHEREAS, The Alabama Department of Revenue ("ADOR") was directed by the City Council to administer and collect Sales and Use Taxes levied by the City of Fairhope through its adoption of Resolution No. 1516-09 on April 27, 2009; and


WHEREAS, ADOR cannot begin the collection process by June 20, 2009 because they are required to send notices to the persons, firms, or corporations mentioned above in paragraph one and must have time to set-up their computer to handle the City of Fairhope; and

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope hereby waives the collection of Sales and Use Tax by ADOR for June 2009 and authorizes collection to become effective July 1, 2009 and the first payment of taxes hereunder shall be due and payable on July 20, 2009.

Adopted on this 26th day of May, 2009


Timothy M. Kant, Mayor

Attest:


Lisa A. Hanks, City Clerk

26 May 2009

Dan Ames, the City Purchasing Agent, explained to Council that the low bidder for the regrassing at Quail Creek. Craft Turf Farms, upon further investigation could not meet the bid specs and we now need to rescind the award and award it to the second lowest bidder Skipper General Contractors, Inc. Councilmember Ford introduced in writing a resolution to rescind the award to Craft Turf Farms and award to the second lowest responsible bidder Skipper General Contractors, Inc. and moved for the adoption of the following resolution. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1525-09

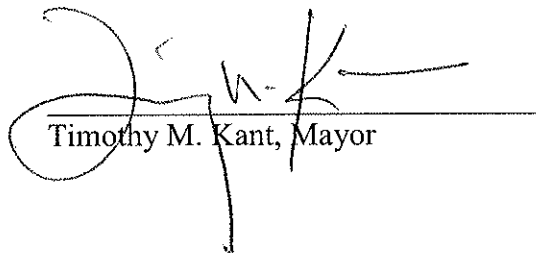
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That on April 13, 2009 the City of Fairhope did award Craft Turf Farms Bid No. 004-09, with a total bid proposal of \$33,784.00, for Regrassing of the Greens at the Quail Creek Golf Course.

[2] That on April 20, 2009, a Notice of Award was issued to Craft Turf Farms, who then had fifteen (15) days to sign and return the contract documents, Craft Turf Farms failed to return the signed contract documents in the allotted time, and stated in writing, that they would not comply with the terms and conditions of the contract.

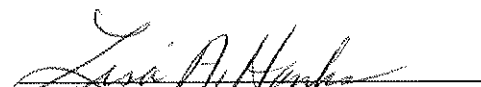
[3] After evaluating the bid proposals with the required bid specifications, the City of Fairhope now rescinds Bid No. 004-09 from Craft Turf Farms, and awards the bid to the second lowest responsible and responsive bidder Skipper General Contractors, Inc., in the amount of \$42,500.00, with an increase in the bid award of \$8,716.00.

Adopted on this 26th day of May, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

26 May 2009

Dan Ames, the City Purchasing Agent, explained to Council that the low bidder for strength equipment for the new recreation center Life Fitness Bid No. 016-09, upon further investigation could not meet specs and we now need to rescind the award and award it to the second lowest responsible bidder Star Trac. Councilmember Ford introduced in writing a resolution to rescind the award Life Fitness and moved for the adoption of the following resolution. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

RESOLUTION NO. 1526-09

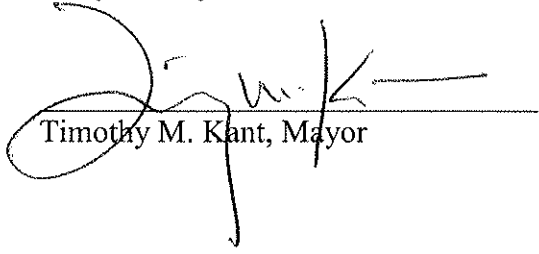
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That on May 11, 2009 the City of Fairhope did award Life Fitness Bid No. 016-09, with a total bid proposal of \$31,923.64, for Strength Equipment for the Fairhope Recreation Center.

[2] That on May 13, 2009, Life Fitness announced its inability to comply with the bid specifications.

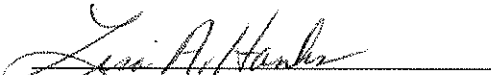
[3] After evaluating the bid proposals with the required bid specifications, the City of Fairhope now rescinds Bid No. 016-09 from Life Fitness, and awards the bid to the second lowest responsible and responsive bidder Star Trac, in the amount of \$32,157.65, with an increase in the bid award of \$234.01.

Adopted on this 26th day of May, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Dan Ames, the City Purchasing Agent, explained to Council that bids were let on RFQs for Pipe and Fittings for Sewer Line Extensions for the Water & Sewer Department. Dan McCrory explained this was the pipe to extend the lines to Silverwood and Gaineswood and down to the driveway at Key Allegro. Councilmember Mixon introduced in writing a resolution to award the bid for sewer line extensions and moved for the adoption of the following resolution. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

26 May 2009

RESOLUTION NO. 1527-09

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 Pipe and Fittings for Sewer Line Extensions for the Water & Sewer Department at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

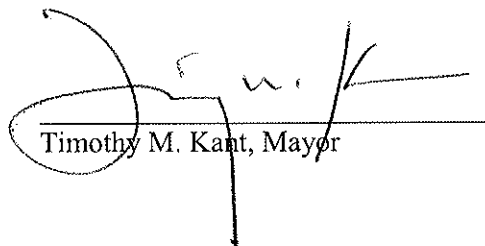
[2] At the appointed time and place, the following RFQs were received and tabulated as follows:

PIPE AND FITTINGS FOR SEWER LINE EXTENSIONS

Mainline Supply Company	\$ 115,202.72
Vellano Bros., Inc.	116,063.01
Consolidated Pipe & Supply	116,595.65
Ferguson Waterworks	117,137.54
HD Supply	132,147.14

[3] After evaluating the RFQ proposal with the required specifications, Mainline Supply Company, with the total RFQ proposal of \$115,202.72, is now awarded the RFQ/Quote for Pipe and Fittings for Sewer Line Extensions.

Adopted on this 26th day of May, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Dan Ames, the City Purchasing Agent, explained to Council that bids were let for Labor and Equipment for resurfacing Rock Creek Parkway and Woods Avenue. Mayor Kant explained that he had added Woods Avenue to the job and further explained the problems we had encountered over the years with Woods Avenue and the need for paving. Councilmember Ford introduced in writing a resolution to award the bid for labor and equipment for resurfacing Rock Creek Parkway and Woods Avenue and moved for the adoption of the following resolution. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

26 May 2009

RESOLUTION NO. 1528-09

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 Labor and Equipment for Resurfacing Rock Creek Parkway and Woods Avenue (Bid Number 007-09) 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 Labor and Equipment
for Resurfacing Rock Creek Parkway and Woods Avenue

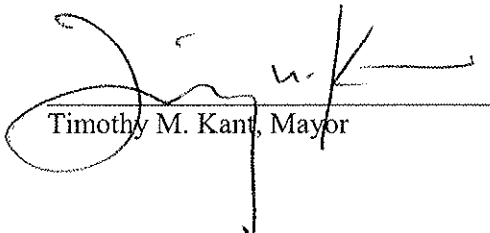
[3] After evaluating the bid proposals with the required bid specifications, American Asphalt, with the total bid proposal of \$23,350.00, is now awarded the bid for Labor and Equipment for Resurfacing Rock Creek Parkway and Woods Avenue.

[4] That the City of Fairhope has voted to purchase Asphalt Materials for the Resurfacing Project listed above from the Alabama State Department of Purchasing bid list and therefore does not have to be let out for bid; and

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

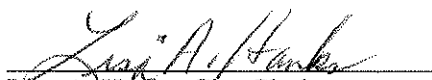
Bid Number: T120A	Contract Number: 4010390
State Bid List - Current Cost of Asphalt Materials	\$ 39,135.00
American Asphalt - Labor and Equipment	<u>\$ 23,350.00</u>
Total Cost for Resurfacing Project	<u>\$ 62,485.00</u>

Adopted on this 26th day of May, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

26 May 2009

Part "D" (porous asphalt / hemized)						
Gayler Avenue					\$ 5,000.00	
Folk Avenue					\$ 4,000.00	
Miller Avenue					\$ 4,000.00	
Woods Avenue					\$ 5,000.00	
North Mobile					\$ 4,000.00	
Pensacola Avenue					\$ 4,000.00	
R & S PAVING					no response	
1. Total Bid Part "A"					no response	
2. Total Bid Part "B" (4-28 hot mix asphalt / hemized)					no response	
3. Total Bid Part "C" (porous asphalt / hemized)					no response	
TOTAL (#1 + #2 above)					no response	
TOTAL (#1 + #3 above)					no response	
Price per Sq. Yd. to remove reflective cracked asphalt and lay 2" of 420-S					no response	
Part "E" (4-28 hot mix asphalt / hemized)					no response	
Gayler Avenue					no response	
Folk Avenue					no response	
Miller Avenue					no response	
Woods Avenue					no response	
North Mobile					no response	
Pensacola Avenue					no response	
Part "F" (porous asphalt / hemized)					no response	
Gayler Avenue					no response	
Folk Avenue					no response	
Miller Avenue					no response	
Woods Avenue					no response	
North Mobile					no response	
Pensacola Avenue					no response	
SUMMIT INDUSTRIES					no response	
1. Total Bid Part "A"					no response	
2. Total Bid Part "B" (4-28 hot mix asphalt / hemized)					no response	
3. Total Bid Part "C" (porous asphalt / hemized)					no response	
TOTAL (#1 + #2 above)					no response	
TOTAL (#1 + #3 above)					no response	
Price per Sq. Yd. to remove reflective cracked asphalt and lay 2" of 420-S					no response	
Part "G" (4-28 hot mix asphalt / hemized)					no response	
Gayler Avenue					no response	
Folk Avenue					no response	
Miller Avenue					no response	
Woods Avenue					no response	
North Mobile					no response	
Pensacola Avenue					no response	

Part "H" (porous asphalt / hemized)						no response
Gayler Avenue						no response
Folk Avenue						no response
Miller Avenue						no response
Woods Avenue						no response
North Mobile						no response
Pensacola Avenue						no response

NOTE 1
Extension error by Bidder, Bidder had \$14,300.00, corrected to \$14,395.00

NOTE 2
Extension error by Bidder, Bidder had \$36,300.00, corrected to \$36,395.00

Recommendation: Award bid to American Asphalt for the bid at \$26,300.00

Kon Evers 5/18/09
Kon Evers, Assistant Director, Public Works

To the best of my knowledge this is an accurate tabulation

Daniel P. Arnes 5/18/09
Daniel P. Arnes, Purchasing Manager

26 May 2009

Dan Ames, the City Purchasing Agent, explained to Council that bids were let for Cardiovascular Exercise Equipment for the new Recreation Center. Councilmember Ford introduced in writing and moved for the adoption of the following resolution. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

RESOLUTION NO. 1529-09

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

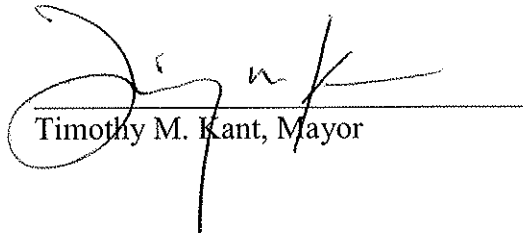
[1] That the City of Fairhope did request, receive, and open bids for Cardiovascular Exercise Equipment for the Fairhope Recreation Center (Bid Number 018-09) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[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, Star Trac, with the total bid proposal of \$133,425.30, is now awarded the bid for Cardiovascular Exercise Equipment for the Fairhope Recreation Center.

Adopted on this 26th day of May, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

26 May 2009

CITY OF FAIRHOPE
 BID TABULATION AND RECOMMENDATION
 BID NO. 018-09
 BID NAME: CARDIOVASCULAR EXERCISE EQUIPMENT REBID
 BID OPENED: 05-18-09
 Note: Bid Bond Waived

VENDOR	Delivery lead time A/R/O	Manufacturer	Model	Specification Compliance	Bid Price Per Unit	Total Bid Price
LEGEND FITNESS						
	21 days					\$ 98,895.00
Treadmill	ten (10) ea.	Sports Art	T870	No	\$ 3,850.00	\$ 38,500.00
Total Body Trainers	ten (10) ea.	Sports Art	E870	No	\$ 3,425.00	\$ 34,250.00
Upright Bike	three (3) ea.	Sports Art	670U	No	\$ 1,726.00	\$ 5,178.00
Recumbent Bike	three (3) ea.	Sports Art	670R	No	\$ 2,100.00	\$ 6,300.00
Spinner Bike	ten (10) ea.	Velocity	FitNex - Velocity	No	\$ 735.00	\$ 7,350.00
Indoor Rower	two (2) ea.	Concept II	D	Yes	\$ 1,060.00	\$ 2,120.00
Freight						\$ 2,000.00
Delivery						\$ 1,000.00
Installation						\$ 1,000.00
PROMAXIMA, INC. MFG						
	30					\$ 127,965.00
Treadmill	ten (10) ea.	ProMax	StaxCV-8025Twx	No	\$ 5,480.00	\$ 54,800.00
Total Body Trainers	ten (10) ea.	ProMax	StaxCV-8020EX	No	\$ 4,199.00	\$ 41,990.00
Upright Bike	three (3) ea.	ProMax	StaxCV-8020UX	No	\$ 2,799.00	\$ 8,397.00
Recumbent Bike	three (3) ea.	ProMax	StaxCV-8020RX	No	\$ 2,899.00	\$ 8,697.00
Spinner Bike	ten (10) ea.	ProMax	BHCV-HSB2	No	\$ 649.00	\$ 6,490.00
Indoor Rower	two (2) ea.	ProMax	Concept 2 model D	Yes	\$ 1,151.00	\$ 2,302.00
Freight						\$ 2,051.00
Delivery						\$ 0.00
Installation						\$ 2,150.00
LIFE FITNESS						
	21 days					\$ 128,397.14
Treadmill	ten (10) ea.	Life Fitness	95T1	No	\$ 5,233.80	\$ 52,338.00
Total Body Trainers	ten (10) ea.	Life Fitness	95V1	No	\$ 3,874.20	\$ 38,742.00
Upright Bike	three (3) ea.	Life Fitness	95C1	No	\$ 2,582.58	\$ 7,747.74
Recumbent Bike	three (3) ea.	Life Fitness	95R1	No	\$ 2,854.50	\$ 8,563.50
Spinner Bike	ten (10) ea.	Lennox	LF3800	Yes	\$ 1,003.60	\$ 10,036.60
Indoor Rower	two (2) ea.	Concept 2	CONC-E	Yes	\$ 860.00	\$ 1,720.00
Freight						\$ 1,520.88
Delivery						\$ 0.00
Installation						\$ 5,520.87
STAR TRAC						
	15-20 days					\$ 143,282.80
Treadmill	ten (10) ea.	Star Trac	E-TR89-8061	Yes	\$ 5,696.00	\$ 56,963.50
Total Body Trainers	ten (10) ea.	Star Trac		Yes	\$ 5,296.50	\$ 52,965.00
Upright Bike	three (3) ea.	Star Trac		Yes	\$ 3,426.00	\$ 10,278.00
Recumbent Bike	three (3) ea.	Star Trac		Yes	\$ 3,685.00	\$ 11,055.00
Spinner Bike	ten (10) ea.	Star Trac		Yes	\$ 896.00	\$ 8,960.00
Indoor Rower	two (2) ea.	Concept 2		Yes	\$ 1,050.00	\$ 2,100.00

(1)

GIFFIN RECREATION CO., INC.		No Response	No Response	No Response	No Response	No Response
Treadmill	ten (10) ea.					
Total Body Trainers	ten (10) ea.					
Upright Bike	three (3) ea.					
Recumbent Bike	three (3) ea.					
Spinner Bike	ten (10) ea.					
Indoor Rower	two (2) ea.					
Freight						
Delivery						
Installation						
FITNESS SYSTEMS, INC.						
		No Response	No Response	No Response	No Response	No Response
Treadmill	ten (10) ea.					
Total Body Trainers	ten (10) ea.					
Upright Bike	three (3) ea.					
Recumbent Bike	three (3) ea.					
Spinner Bike	ten (10) ea.					
Indoor Rower	two (2) ea.					
Freight						
Delivery						
Installation						
FITNESS MASTER						
		No Response	No Response	No Response	No Response	No Response
Treadmill	ten (10) ea.					
Total Body Trainers	ten (10) ea.					
Upright Bike	three (3) ea.					
Recumbent Bike	three (3) ea.					
Spinner Bike	ten (10) ea.					
Indoor Rower	two (2) ea.					
Freight						
Delivery						
Installation						

(3)

26 May 2009

LEISURE LINES, INC.		No Response	No Response	No Response	No Response	No Response
Treadmill	ten (10) ea.					
Total Body Trainers	ten (10) ea.					
Upright Bike	three (3) ea.					
Recumbent Bike	three (3) ea.					
Spinner Bike	ten (10) ea.					
Indoor Rower	two (2) ea.					
Freight						
Delivery						
Installation						
BILL FRITZ SPORTS CORP.		No Response	No Response	No Response	No Response	No Response
Treadmill	ten (10) ea.					
Total Body Trainers	ten (10) ea.					
Upright Bike	three (3) ea.					
Recumbent Bike	three (3) ea.					
Spinner Bike	ten (10) ea.					
Indoor Rower	two (2) ea.					
Freight						
Delivery						
Installation						

Note 1
No interface touch screen units, no dual link pedals.

Note 2
No cooling fans.

Note 3
No cooling fans.

Note 4
Five (5) cent error in total is waived as minor informality.

Note 5
No interface touch screen units.

Recommendation: Accept the bid from Star Trac in the amount of \$ 133,425.30

To the best of my knowledge this is an accurate bid tabulation:

Liz Chandler
Liz Chandler, Recreation Center Director 5/26/09

Daniel P. Ames
Daniel P. Ames, Purchasing Manager 5/26/09

Councilmember Kingrea explained that he asked for a resolution that will limit transfers from the Utility Funds to the General Fund to 50% of excess revenue from the prior month no later than the start of the 2011 fiscal year; and the utility expenses are to be limited to the direct operating expenses of that Utility. He said he would like to include the movement of money on legal fees and community events into the General Fund. Mayor Kant explained that we could not move the legal fees money that each utility is required to pay its own legal fees. Councilmember Kingrea then introduced in writing and moved for the adoption of the following resolution. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

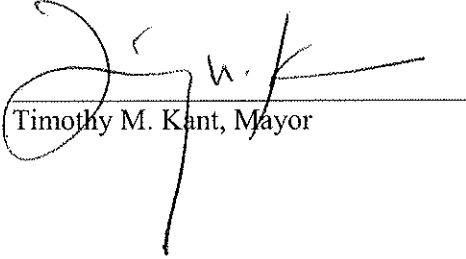
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26 May 2009

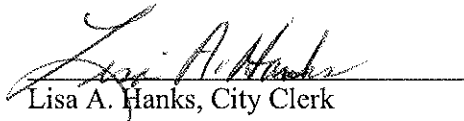
RESOLUTION NO. 1530-09

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope will limit transfers from the Utility Funds to the General Fund to Fifty Percent (50%) of excess revenue from the prior month no later than the start of the 2011 fiscal year; and the Utility expenses are to be limited to the direct operating expenses of that Utility.

DULY ADOPTED THIS 26TH DAY OF MAY, 2009


Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, City Clerk

Ed Brinson addressed the City Council representing the Fairhope Point Clear Rotary Youth Programs, Inc. He had introduced the proposed program in the work session and was asking the City to authorize the Mayor to enter into an agreement for the development and Operation of a Recreation & Educational facility previously known as the Boys & Girls Club on Young Street. Councilmember Stankoski introduced in writing and moved for the adoption of the following resolution. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 1531-09

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 with Fairhope-Point Clear Rotary Youth Programs, Inc. for the Development and Operation of a Recreational & Educational Facility previously known as the Boys & Girls Club on Young Street.

DULY ADOPTED THIS 26TH DAY OF MAY, 2009


Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

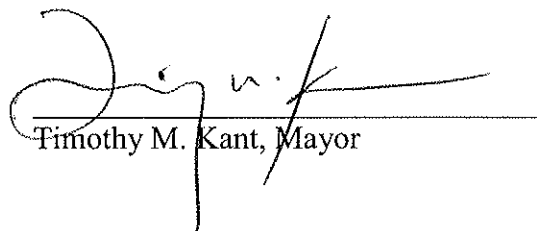
26 May 2009

Ed Brinson asked the City Council to execute a contract with the Fairhope Point Clear Rotary Youth Programs, Inc. to carry out the duties as set forth in the agreement above. Councilmember Mixon introduced in writing and moved for the adoption of the following resolution. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1532-09

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute a Contract with Fairhope-Point Clear Rotary Youth Programs, Inc. to carry out the duties as set forth in the Agreement between the City of Fairhope and Fairhope-Point Clear Rotary Youth Programs, Inc. to operate and improve the Youth Facility previously known as the Boys & Girls Club on Young Street and the City will provide the services of a City employee to help with office work during the Summer programs of 2009.

DULY ADOPTED THIS 26TH 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 directing Mayor Kant to provide information concerning the city owned sewer system to the City Council prior to the next City Council meeting on June 8, 2009. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote. Councilmember Ford asked if this was for our information and was told yes. Mayor Kant said he would like to meet with the Council on this.

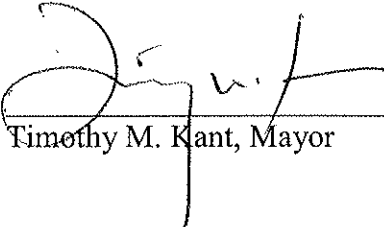
26 May 2009

RESOLUTION NO. 1533-09

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council directs Mayor Timothy M. Kant to provide the following information concerning the City owned sewer system to the City Council prior to the next City Council meeting on June 8, 2009:

1. Estimated date that the present processing plant will reach maximum capacity
2. Location and estimated cost for the purchase of the land for new processing plant
3. Estimated cost of establishing the new facility
4. Current debt on existing sewer system
5. Number of employees
6. Total annual cost of salaries
7. Total annual cost of Soc.Sec/Med./SUI
8. Total annual cost of retirement benefits
9. Total annual cost of medical insurance
10. Total annual cost of fuel
11. Total annual cost of billing
12. Total annual cost of admin fees
13. Total annual cost of utility fees
14. Total number of lift stations
15. Gross annual income from the sewer service

Adopted on this 26th day of May, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Mixon introduced in writing an Ordinance to amend and add to Article VI, Garbage and Trash, Sections 21-70 and 21-73, Fairhope Code of Ordinances. Jennifer Fidler addressed the City Council and explained the proposed changes which include changing to once a week garbage collection and she also said she would like the garbage truck and recycling truck to run the same day. She said

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she would like it to be effective August 3, 2009. Discussion followed and Dan Stankoski asked about the new fee set (45.00) for placing a large appliance in the dump and she responded that in the past we have not charged, but we are going to have to close our dump and transport garbage to another place. She cited charges already in place at other locations. In order to take immediate action Councilmember Mixon moved for immediate consideration Councilmember Kingrea seconded the motion, motion for immediate consideration failed for a lack of unanimous vote this will lie over until the June 8, 2009 City Council meeting.

Councilmember Kingrea introduced an Ordinance to amend and add to Article VI, Garbage and Trash, Sections 21-71 and 21-72, Fairhope Code of Ordinances. This was included in the discussion above. Councilmember Kingrea moved for immediate consideration and motion failed for a lack of unanimous vote. This will lie over until the June 8, 2009 City Council meeting.

Councilmember Mixon introduced an Ordinance to exempt certain "covered items" from the Municipal Sales and Use Tax during the first full weekend of August, 2009, as Authorized by Act 2006-574, generally referred to as the State Sales Tax Holiday Legislation. Councilmember Mixon moved for immediate consideration, seconded by Councilmember Stankoski, motion failed for a lack of unanimous vote. This will lie over until the June 8, 2009 City Council meeting.

Councilmember Ford introduced an Ordinance authorizing and granting to Mediacom Southeast, LLC ("Mediacom") the right to use the rights of way of the City of Fairhope, Alabama ("The City") to provide cable services to the citizens of the city under the terms of a cable television system Franchise Agreement. City Attorney Tut Wynne addressed this saying that this has been negotiated for five years, well mediated. The question was asked how much do we get monthly and was answered 5%. Councilmember Kingrea asked if the city gets into a dispute with Mediacom is there an alternative dispute resolution, that in looking through the twenty six pages he did not see one, and thinks it might need to be added. Attorney Wynne said that he will be glad to address this. Since there was no motion for immediate consideration this will lie over until the June 8, 2009 City Council meeting.

City Council reviewed an application for a Restaurant Liquor License by Rob & Brandi Dearing, d/b/a Texiana, LLC., located at 19344 Scenic Highway 98, Fairhope, Alabama. Brandi Dearing was present and was asked where it was located and she said the old Lartique's Seafood place. Councilmember Mixon moved to approve the issuance of the license. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

26 May 2009

Doug Lamplugh addressed the City Council about the flaws in the police search committee process. He referred the letter he had sent and said that the committee did not even possess the necessary credentials to select and fill the position.

Mike Skinner addressed the City Council representing the concerned citizens of Fairhope speaking on behalf of Steve Griffis about the Chief selection and process. He cited Steve Griffis' qualifications and said that even though he applied he was given low ratings and not even considered for the final selection. He said he has given numerous years to the City and that someone should be considered from within the system rather than going all the way to Michigan and that the local residents prefer working with someone who knows them and the workings of the City. He said this has all come about because of a power struggle among the council and mayor.

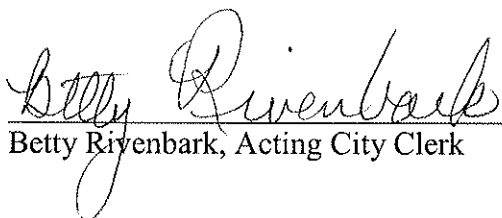
Council President Quinn gave a State Legislative Update, a copy of which she had furnished for each council member, showing the different legislations and how they related to us.

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 8:20 P.M.



Debbie W. Quinn, Council President



Betty Rivenbark, Acting City Clerk