

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, 9 June 2014.

Present were Council President Jack Burrell, Councilmembers: Rich Mueller, Diana Brewer, Michael A. Ford, and Kevin Boone, Mayor Timothy M. Kant, City Attorney Marion E. Wynne, and City Clerk Lisa A. Hanks.

There being a quorum present, Council President Burrell called the meeting to order. The invocation was given by Reverend Matt McCollum, Pastor of Trinity Presbyterian Church, and the Pledge of Allegiance was recited. Councilmember Brewer moved to approve minutes of the 27 May 2014, regular meeting; minutes of the 27 May 2014, work session; and minutes of the 27 May 2014, agenda meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Mayor Timothy M. Kant addressed the City Council regarding the following items:

- 1) The Board of Adjustments needs a member and one of the current members either needs to be reappointed or a new member appointed.
- 2) The Fairhope Volunteer Fire Department has received notice that they will be receiving a grant for approximately \$828,000 for radios and a new antenna.
- 3) Jerry Merchant, retired employee from the City of Fairhope, passed away yesterday. He began with the City as a trash collector in 1989; and then retired as our Animal Control Officer. Mayor Kant said to please keep his family in your prayers. He said Jerry Merchant was a valuable employee.

Nancy Wilson, City Treasurer, addressed the City Council regarding a letter received from Standards and Poor concerning the City's credit rating which is based on credit worthiness. She said "D" is the lowest rating with "AAA" being the highest. The City was informed that its rating was upgraded from "AA-" to "AA+" which is a two-step upgrade. Ms. Wilson stated that "AAA" is our next goal.

A Public Hearing was held as advertised on a proposed ordinance to Amend Zoning Ordinance No. 1253. Councilmember Boone introduced in writing an ordinance to zone the property of Firethorne Development, LLC to Planned Unit Development (PUD) concurrent with annexation. This property is generally located on the east side of State Highway 181 and south of Quail Creek and State Highway 181, Fairhope, Alabama. Parcel contains 126-37 acres more or less; 05-46-09-23-0-000-022.000 and 05-46-09-23-0-000-022.001; Firethorne Subdivision. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance.

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Planning Director Jonathan Smith briefly explained the proposed ordinance. He commented there will be 228 lots in the subdivision with an average home having 1,700 square feet; and a building height of 35 feet. Council President Burrell questioned the open space. Mr. Smith replied we would like at least 10 percent and the owners have submitted their plan with 12 percent. He also mentioned during the site plan and plat process, a traffic study will be done. Councilmember Brewer stated there is a need for a traffic light for the subdivision. Mayor Kant responded that the State has to sign off on the traffic study and the need for a traffic light.

Council President Burrell opened the Public Hearing at 6:23 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:23 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the June 23, 2014 City Council meeting.

Councilmember Boone moved to amend the following resolution by adding the verbiage "all Fairhope" and deleting "the Water and Sewer" before public utilities. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution as amended, a resolution accepting all Fairhope public utilities located in public right-of-ways within Battles Trace at the Colony Phase I for maintenance and to authorize Mayor Timothy M. Kant to execute the Maintenance and Guaranty Agreement between the City of Fairhope and The Teachers' Retirement System of Alabama and The Employees' Retirement System of Alabama, both being an instrumentality of the State of Alabama. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2225-14

WHEREAS, the Owners of Battles Trace at the Colony Phase I desire to have all Fairhope public utilities located in public right-of-ways accepted for maintenance by the City of Fairhope, Alabama, and;

WHEREAS, the City of Fairhope, Alabama, has received notice from the engineers of the project that the design and capacity of the public improvements have been designed in conformance with City requirements, and;

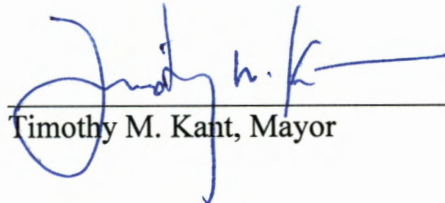
WHEREAS, the Water and Sewer Superintendent and Planning Director have indicated that the improvements meet City requirements, and;

9 June 2014

WHEREAS, the Owners of Battles Trace at the Colony Phase I, have agreed to maintain the Improvements, set forth in Exhibit "A" of the Maintenance Agreement, for a period of two (2) years, and;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA that the public improvements indicated herein for Battles Trace at the Colony Phase I are hereby accepted for public maintenance; and authorizes Mayor Timothy M. Kant to execute the Maintenance and Guaranty Agreement between the City of Fairhope and The Teachers' Retirement System of Alabama, an instrumentality of the State of Alabama and The Employees' Retirement System of Alabama, an instrumentality of the State of Alabama (collectively the "Subdivider").

Adopted, this 9th day of June, 2014



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute Contract with Kelly's Exterminating Service, Inc. for Pest Control for all City properties for one year, with two additional one year extensions with the price remaining as the original quote (\$304.30 per month or \$3,653.88 per year). Seconded by Councilmember Boone, motion passed unanimously by voice vote.

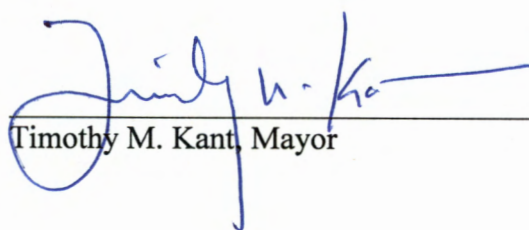
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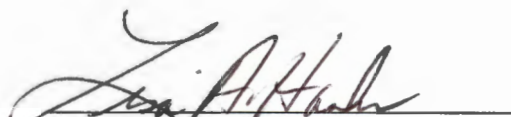
RESOLUTION NO. 2226-14

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 Kelly's Exterminating Service, Inc. for Pest Control for all City properties for one year, with two additional one year extensions, with the price remaining as the original quote (\$304.30 per month or \$3,653.88 per year).

Adopted on this 9th day of June, 2014

Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Council President mentioned a typo for the following resolution and the need to change "the Sewer Department" to "the Water Department" throughout the resolution; and City Clerk Lisa Hanks stated there was no need to amend the resolution.

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to Award RFQ No. 004-14 to Supply Zinc Orthophosphate and TKPP Chemicals for the Water Department with a total estimated proposal of \$52,279.50 per year. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

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9 June 2014

RESOLUTION NO. 2227-14

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

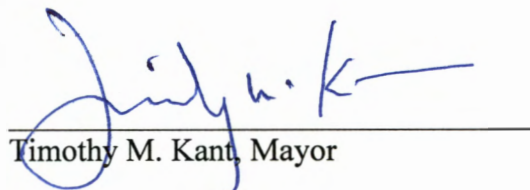
[1] That the City of Fairhope did request, receive, and open RFQs to Supply Zinc Orthophosphate and TKPP Chemicals for the Water Department (RFQ Number 004-14) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached RFQ Tabulation to Supply
Zinc Orthophosphate and TKPP Chemicals for the Water Department

[3] After evaluating the RFQ proposal with the required specifications, Thornton, Musso & Bellemin, with the total estimated proposal of \$52,279.50 per year, is now awarded the RFQ to Supply Zinc Orthophosphate and TKPP Chemicals for the Water Department.

Adopted on this 9th day of June, 2014



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

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9 June 2014

CITY OF FAIRHOPE
 QUOTATION SOLICITATION & RECOMMENDATION
 RFD NO: 000-14
 RFD NAME: SUPPLY ZINC ORTHOPHOSPHATE AND TAPP CHEMICALS
 RFD OPENED: May 22, 2014 2:00 P.M.

VENDOR	Address #1 and #2 signed	Response Form Completed / Signed / Submitted	Phosphate price per lb.	Costs 4.5 MGPD average daily use	TAPP price per lb.
THORNTON, RUSCO, & BILBERRIN, INC.	yes	yes	\$1.20 lb	120 lbs	\$1.80 lb
WATER TREATMENT & CONTROLS COMPANY	yes	yes	\$9.0000 lb	2.51 lb	\$1.71 lb
US WATER SERVICES, INC.	yes	yes	\$1.00 lb	142 lb	.43 lb
AMERICAN DEVELOPMENT CORPORATION					No Bid
GE BETZ, INC. dba GE Water & Process Technologies					Responsive BIF
FZ INDUSTRIES					No Response
INDUSTRIAL CHEMICAL					No Response
MURPHY INC					No Response
COASTAL CORROSION CONTROL, INC.					No Response
ECC CHEMICAL					No Response
CERILLANT CORPORATION					No Response
BAK CORPORATION					No Response
ADDA PRODUCTS, INC.					No Response
C & S CHEMICAL					No Response
MARCO CHEMICAL					No Response
CARUS CORPORATION					No Response

* Vendor is not conform to the mandatory requirements of the RFD. This vendor properly included his own Terms and Conditions into the RFD.

Vendor Name, Address, City, State, Zip	Phone Number	Fax Number	Address #1 and #2 signed	Response Form Completed / Signed / Submitted	Phosphate price per lb.	Costs 4.5 MGPD average daily use	TAPP price per lb.
Thornton, Rusco, & Bilberrin, Inc.	256-833-1111	256-833-1111	yes	yes	\$1.20 lb	120 lbs	\$1.80 lb
Water Treatment & Controls Company	800-441-2333	800-441-2333	yes	yes	\$9.0000 lb	2.51 lb	\$1.71 lb
US Water Services, Inc.	800-441-2333	800-441-2333	yes	yes	\$1.00 lb	142 lb	.43 lb

Recommendation based on lowest price, quality of service, and ability to meet the needs of the City of Fairhope.

Jay Leibman 5/21/14
 Jay Leibman - City of Fairhope
 Purchasing Director and Treasurer

To the best of my knowledge and true belief
David P. Adams 5/21/14
 David P. Adams - Purchasing Manager
 Purchasing Manager

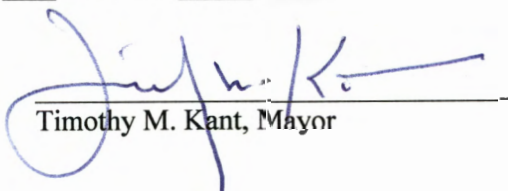
9 June 2014

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Timothy M. Kant is hereby authorized to execute a Contract for Professional Consulting Services for Risk Management and Safety Training Program for the Human Resources Department with Safety Plus, Inc. with a cost not to exceed \$15,000.00. The motion was seconded by Councilmember Ford. Pandora Heathcoe, Human Resources Director, and Don Druse from Safety Plus, Inc. addressed the City Council and explained the training program. Mr. Druse commented municipalities do not have to comply with OSHA regulations, but the time is coming soon. He stated that this training program would get the City OSHA compliant and it is a full blown safety policy. Council President Burrell stated that for \$15,000 we will get four onsite training visits. After further discussion, motion passed unanimously by voice vote.

RESOLUTION NO. 2228-14

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 for Professional Consulting Services for Risk Management and Safety Training Program for the Human Resources Department with Safety Plus, Inc. with a cost not to exceed \$15,000.00.

DULY ADOPTED THIS 9TH DAY OF JUNE, 2014



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Scott Hutchinson with Hutchinson, Rauch and Moore addressed the City Council in regards to Agenda Items Number 10, Number 11, Number 12, and Number 13. He stated bids were received with only one bidder responding out of five. NRCS will only pay for the Treatment Plant Project; and Mr. Porter from FEMA agreed they would fund the North Section Street Project. The NRCS funding is 75 percent with 25 percent paid by the City. The FEMA funding is 75 percent with the State paying 12-1/2 percent with the remaining 12-1/2 percent paid by the City.

City Attorney Wynne questioned the bid law and the need for the Governing Body to declare the event an emergency; a resolution declaring the April 29, 2014 Rain Event a State of Emergency.

9 June 2014

Councilmember Boone moved to add on the following resolution **not** on the printed agenda. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council of the City of Fairhope hereby officially declares a State of Emergency within the City of Fairhope for the April 29, 2014 Rain Event. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2229-14

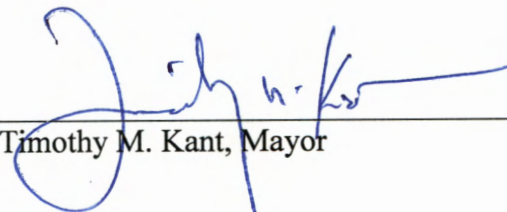
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, WHILE IN REGULAR SESSION ON JUNE 9, 2014, as follows:

Section 1. The City Council of the City of Fairhope hereby officially declares a State of Emergency within the City of Fairhope for the April 29, 2014 Rain Event within the meaning of Alabama Code Section 39-2-2(e); and

Section 2. That the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, all contracts determined to be necessary to meet the emergency without public advertisement.

Section 3. That this Resolution shall become effective upon its adoption.

ADOPTED AND APPROVED THIS 9TH DAY OF JUNE, 2014



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, MMC
City Clerk

9 June 2014

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to Award Bid for Emergency Repair – Contract A: Treatment Plant to Ammons & Blackmon Construction in the amount of \$192,696.80. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

RESOLUTION NO. 2230-14

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

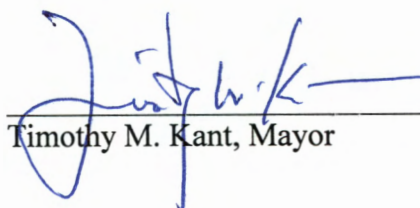
[1] That the City of Fairhope, by and through Hutchinson, Moore & Rauch, LLC, Project Engineer, did request, receive, and open bids for Emergency Repair – Contract A: Treatment Plant (Project No. PW007-14).

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

Please see attached Bid Tabulation for
Emergency Repair – Contract A: Treatment Plant

[3] After evaluating the bid proposals with the required bid specifications, Ammons & Blackmon Construction, with the total bid proposal of \$192,696.80, is now awarded the bid for Emergency Repair – Contract A: Treatment Plant.

Adopted on this 9th day of June, 2014



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

9 June 2014

**EMERGENCY REPAIR
CONTRACT A
TREATMENT PLANT
CONTRACTORS PROPOSAL**

NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL
1	MOBILIZATION / DEMOBILIZATION	LS	1		5,000.00
2	DEBRIS REMOVAL (SEDIMENT, TREES, CONCRETE, PIPE, ETC.)	LS	1		5,000.00
3	SHAPING AND GRADING	LS	1		5,000.00
4	EARTHFILL	CY (TBM)	1,500	10.25	15,375.00
5	RIPRAP, CLASS 2	TONS	2,350	65.00	152,750.00
6	7 OZ. NONWOVEN GEOTEXTILE FILTER BLANKET	SY	2,410	1.98	4,771.80
7	EROSION CONTROL (TO INCLUDE TOPSOIL, SEED & MULCH)	LS	1		4,000.00
8	GROUT	CYIP	2	400.00	800.00
TOTAL					192,696.80

Notes:

- Quantities have been distributed to Contract A and Contract B by the Design Engineer. The total of the quantities shown in Contract A and Contract B equal the quantities shown in the original contract bid on May 22, 2014.
- Unit prices used are equal to the unit prices shown in the original bid on May 22, 2014.
- Lump Sum prices matching the original bid have been distributed between Contract A and Contract B per the Contractor winning the lowest bid on May 22, 2014. (BA)

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to Award Bid for Emergency Repair – Contract B: North Section Street to Ammons & Blackmon Construction in the amount of \$66,520.20. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

9 June 2014

RESOLUTION NO. 2231-14

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

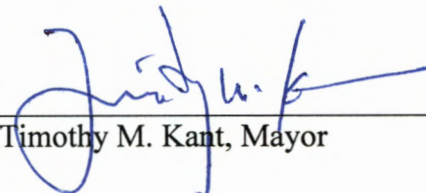
[1] That the City of Fairhope, by and through Hutchinson, Moore & Rauch, LLC, Project Engineer, did request, receive, and open bids for Emergency Repair – Contract B: North Section Street (Project No. PW007-14).

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

Please see attached Bid Tabulation for
Emergency Repair – Contract B: North Section Street

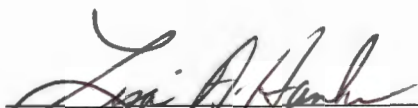
[3] After evaluating the bid proposals with the required bid specifications, Ammons & Blackmon Construction, with the total bid proposal of \$66,520.20, is now awarded the bid for Emergency Repair – Contract B: North Section Street.

Adopted on this 9th day of June, 2014



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

9 June 2014

**EMERGENCY REPAIR
CONTRACT B
NORTH SECTION STREET
CONTRACTORS PROPOSAL**

NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL
1	MOBILIZATION / DEMOBILIZATION	LS	1		6,000.00
2	DEBRIS REMOVAL (SEDIMENT, TREES, CONCRETE, PIPE, ETC.)	LS	1		5,000.00
3	SHAPING AND GRADING	LS	1		2,000.00
4	24" RCP	LF	56	110.00	6,160.00
5	FOUNDATION BACKFILL	CY (TBM)	18	30.00	540.00
6	EARTHFILL	CY (TBM)	600	10.25	6,150.00
7	RIPRAP, CLASS 2	TONS	520	65.00	33,800.00
8	7 OZ. NONWOVEN GEOTEXTILE FILTER BLANKET	SY	490	1.98	970.20
9	EROSION CONTROL (TO INCLUDE TOPSOIL, SEED & MULCH)	LS	1		3,500.00
10	GUARDRAIL REPAIR	LS	1		2,400.00
TOTAL					66,520.20

Notes:

- Quantities have been distributed to Contract A and Contract B by the Design Engineer. The total of the quantities shown in Contract A and Contract B equal the quantities shown in the original contract bid on May 22, 2014.
- Unit prices used are equal to the unit prices shown in the original bid on May 22, 2014.
- Lump Sum prices matching the original bid have been distributed between Contract A and Contract B per the Contractor winning the lowest bid on May 22, 2014. (BA)

Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Timothy M. Kant is hereby authorized to execute an Agreement between the City of Fairhope and the United States Department of Agriculture Natural Resources Conservation Service ("NRCS") for Emergency Repair – Contract A: Treatment Plant. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

9 June 2014

RESOLUTION NO. 2232-14

BE IT RESOLVED, BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE AS FOLLOWS:

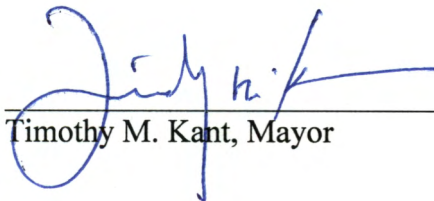
1. That the City of Fairhope, Alabama enters into an agreement with the United States Department of Agriculture National Resources Conservation Service ("NRCS") for:

Emergency Repair – Contract A: Treatment Plant

2. That the agreement shall be executed in the name of the City of Fairhope, by its Mayor Timothy M. Kant, for and on its behalf.
3. That the agreement shall be attested by the City Clerk, Lisa A. Hanks, and the seal of the City of Fairhope affixed thereto.

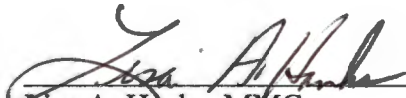
BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

Adopted and Approved this 9th day of June, 2014



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Timothy M. Kant is hereby authorized to execute an Agreement between the City of Fairhope and the Federal Emergency Management Agency ("FEMA") for Emergency Repair – Contract B: North Section Street. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

9 June 2014

RESOLUTION NO. 2233-14

BE IT RESOLVED, BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE AS FOLLOWS:

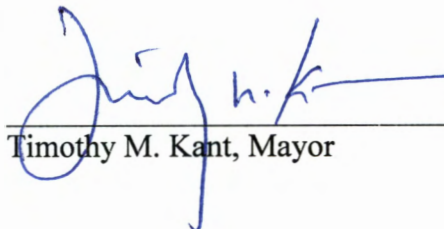
1. That the City of Fairhope, Alabama enters into an agreement with the Federal Emergency Management Agency ("FEMA") for:

Emergency Repair – Contract B: North Section Street

2. That the agreement shall be executed in the name of the City of Fairhope, by its Mayor Timothy M. Kant, for and on its behalf.
3. That the agreement shall be attested by the City Clerk, Lisa A. Hanks, and the seal of the City of Fairhope affixed thereto.

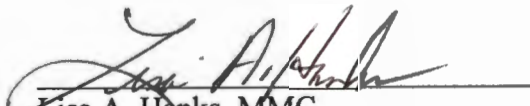
BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

Adopted and Approved this 9th day of June, 2014



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to negotiate a fee schedule with Preble-Rish, LLC for the North Fly Creek Emergency Sanitary Sewer System Replacement Project; and to execute the Contract. The motion was seconded by Councilmember Boone.

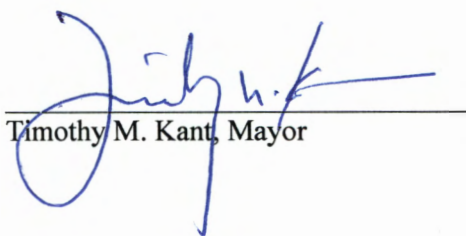
9 June 2014

John Avent from Preble-Rish, LLC addressed the City Council and explained the plan for the North Fly Creek Emergency Sanitary Sewer Replacement Project. Mr. Avent stated this is a FEMA funded project with a 75 percent funding and a State and City match of 12-1/2 percent for each. After further discussion, motion passed unanimously by voice vote.

RESOLUTION NO. 2234-14

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to negotiate a fee schedule with Preble-Rish, LLC for the North Fly Creek Emergency Sanitary Sewer System Replacement Project; and to execute the Contract.

DULY ADOPTED THIS 9TH DAY OF JUNE, 2014



Timothy M. Kant, Mayor

Attest:




Lisa A. Hanks, MMC
City Clerk

Councilmember Brewer moved to adjourn the meeting. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:00 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk