

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, 23 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 Councilmember Boone and the Pledge of Allegiance was recited. Councilmember Brewer moved to approve minutes of the 9 June 2014, regular meeting; minutes of the 9 June 2014, work session; minutes of the 9 June 2014, agenda meeting, and minutes of the 10 June 2014, strategic planning meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Mayor Kant addressed the City Council and recognized Fire Chief Chris Ellis for being named the "Volunteer of the Year" by the Fairhope Rotary Club. He also announced the Fourth of July Celebration.

Mark Stejskal addressed the City Council and mentioned the Rock Creek Golf Tournament for the Fairhope-Point Clear Rotary Youth Club. The Youth Club's Open House is scheduled for June 26, 2014.

Councilmember Mueller addressed the City Council and mentioned the need for renovations at the Quail Creek Golf Course. He met with Mayor Kant and Golf Director Bobby Hall regarding the need for our irrigation to be professionally installed; and for golf carts and golf cart pads. The City will need to look at possibly increasing our fees to pay for these renovations.

Councilmember Brewer addressed the City Council and announced on Saturday, June 28, 2014 there will be a dedication of the Fitness Course at Stimpson Field. The Education Advisory Committee will be holding a work session on July 2, 2014 at 3:00 p.m. She also mentioned the Council President Burrell and she went to the Shop Local Work Shop/Conference and the target is to shop local and be local. This conference was paid by a local shop owner; and we need to look and see if we want to invest in this alliance.

Councilmember Ford addressed the City Council and mentioned the Recycling Committee's Report that was presented at the Work Session; and also recognized Chief Ellis again as the Fairhope Rotary Club's "Volunteer of the Year."

23 June 2014

Council President Burrell addressed the City Council and requested Officer Bunky Bishop and Chief Chris Ellis come up to the podium. He mentioned an eloquently written letter by Officer Bishop sent to Chief Ellis regarding a recent fire. Officer Bishop stated the volunteer firemen are under appreciated for what they do. He mentioned the family whose house was on fire said the firemen showed compassion and professionalism while responding to the call. Officer Bishop also mentioned having dinner with the family and they went on and on about the Departments that responded. He said our volunteers love their work and we should receive recognition on a daily basis. Council President read the names of the firemen and explorers who responded to this fire and asked for them to stand if present tonight.

Councilmember Brewer moved for final adoption of Ordinance No. 1515, an ordinance to Amend Zoning Ordinance No. 1253, an ordinance to zone the property of Firethorne Development, LLC to a Planned Unit Development (“PUD”) concurrent with annexation. The property is generally located at on the east side of State Highway 181 and south of Quail Creek Drive between Quail Creek and State Highway 181. The property is approximately 126.37 acres more or less. (Introduced at the June 9, 2014 City Council meeting) The motion was seconded by Councilmember Boone. Council President Burrell commented that everyone had received an e-mail regarding the traffic light request due to the ever growing City. He said if we don’t adopt this ordinance, the developer can go to the County to build the subdivision. Planning Director Jonathan Smith explained briefly the Firethorne Subdivision PUD Ordinance concurrent with annexation. After further discussion, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

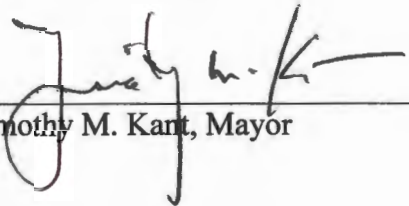
Councilmember Brewer introduced in writing Ordinance No. 1516, an ordinance to amend Ordinance No. 1081, Article III Hazardous Materials of The Fairhope Code of Ordinances, Section 12-72: Illicit Discharges. In order to take immediate action, Councilmember Brewer moved for immediate consideration. Seconded by Councilmember Mueller, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None. Councilmember Boone then moved for final adoption of Ordinance No. 1516. Seconded by Councilmember Mueller, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute the Contract to Purchase SCADA System Annual Software/Maintenance Agreement for the Electric, Water, and Gas Departments from Survalent Technology as Sole Source Distributor with a cost of \$18,340.00. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

23 June 2014

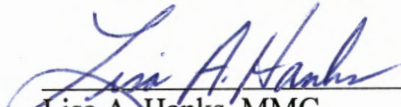
RESOLUTION NO. 2235-14**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:**

[1] That the City of Fairhope has voted to purchase SCADA System Annual Software/Maintenance Agreement for the Electric, Water, and Gas Departments, from Survalent Technology as Sole Source Distributor; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13): "Contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible to award by competitive bidding." The cost will be \$18,340.00.

Adopted on this 23th day of June, 2014

Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

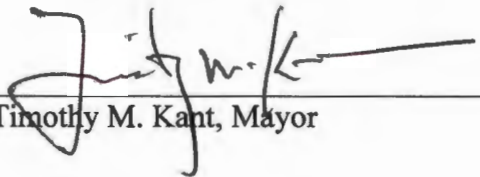
Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a ground lease between the City of Fairhope, Alabama and the Baldwin County Board of Education, for use of the premises solely and exclusively for municipal recreational purposes – Fairhoper's Community Park. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

23 June 2014

RESOLUTION NO. 2236-14

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Timothy M. Kant is hereby authorized to execute a ground lease between the City of Fairhope, Alabama and the Baldwin County Board of Education, for use of the premises solely and exclusively for municipal recreational purposes. The parcel is located on the Northeast corner of Church Street and Morphy Avenue and it has been used, since February 23, 1993, as Fairhoper's Community Park.

Adopted on this 23rd day of June, 2014



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution adopting the Baldwin County Comprehensive Solid Waste Management Plan. The motion was seconded by Councilmember Ford. Council President Burrell questioned if the City was required to just use the County's landfill. Public Works Director Jennifer Fidler replied that one of the County's goals is to have all Cities and Towns participate. She mentioned the possibility of having a codicil for us to use other landfills. Ms. Fidler said the County said prices are stable and will remain stable for years. Mayor Kant commented this is a 10-year plan and the State has to approve; and this plan still must go before the Regional Planning Commission for approval. Council President Burrell questioned the Mayor if all of his concerns with the plan have been addressed by the County. Mayor Kant's reply was "yes." After further discussion, motion passed unanimously by voice vote.

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23 June 2014

RESOLUTION NO. 2237-14

WHEREAS, the Baldwin County Commission, as required by §22-27-1, et seq., Code of Alabama (1975), and without limitation, and Alabama Department of Environmental Management (ADEM), Administrative Code, Division 13 Land Division – Solid Waste Program, has prepared a new Baldwin County Comprehensive Solid Waste Management Plan (Plan) for submission to ADEM covering the entire Baldwin County jurisdiction, including unincorporated Baldwin County and Baldwin County's 14 municipalities; and

WHEREAS, the Baldwin County Commission adopted the Plan during its regular meeting held and conducted on June 3, 2014; and

WHEREAS, the Baldwin County Development and Environmental Director has engaged Daniel Wells, P.E., CDG Engineering and Associates, Inc., to review the Plan; and

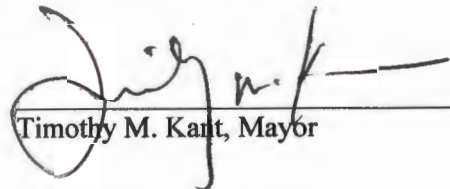
WHEREAS, the South Alabama Regional Planning Commission (SARPC), has completed the Needs Assessment for the Comprehensive Solid Waste Management Plan and concurs with the Plan; and

WHEREAS, the Baldwin County Commission and Baldwin County Solid Waste Department will conduct public hearings to solicit input, and have consolidated citizen comments and concerns into the development of the final Plan; and

WHEREAS, should any of Baldwin County's 14 municipalities choose not to participate in this Plan, said respective municipality is required to submit their own Solid Waste Management Plan to ADEM by September 30, 2014.

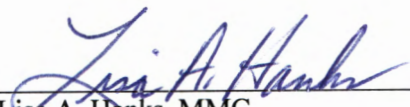
NOW BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that the City of Fairhope does hereby choose to participate, and approve our participation, in the Baldwin County Comprehensive Solid Waste Management Plan.

APPROVED AND ADOPTED THIS 23RD DAY OF JUNE, 2014.



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

23 June 2014

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to Award bid for Magnolia Beach Emergency Repairs – Sand (Bid Number 020-14) with bid proposal in the amount of \$35,100.00 for 5,850 tons of Sand. The motion was seconded by Councilmember Mueller. Council President Burrell stated the Mayor's goal is to have this work completed for the July Fourth Holiday; and questioned Engineer of Record Scott Douglass is this would be possible. Mr. Douglass replied we will work on the bluff first and then work on the beach; and they would complete as much as possible by the Fourth of July. After further discussion, motion passed unanimously by voice vote.

RESOLUTION NO. 2238-14

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

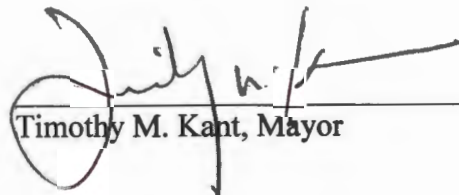
[1] That the City of Fairhope, by and through South Coast Engineers, Project Engineer, did request, receive, and open bids for Magnolia Beach Emergency Repairs – Sand (Bid No. 020-14).

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

Please see attached Bid Tabulation for
Magnolia Beach Emergency Repairs – Sand

[3] After evaluating the bid proposals with the required bid specifications, RLF Baldwin Operations, LLC (Layco Mining, LLC) with the total bid proposal of \$35,100.00 (\$6.00 per ton -- 5,850 tons of Sand), is now awarded the bid for Magnolia Beach Emergency Repairs – Sand.

Adopted on this 23rd day of June, 2014



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

23 June 2014

CITY OF FAIRHOPE
 BID TAB & RECOMMENDATION
 BID NO: 020-14
 BID NAME: Magnolia Beach Emergency Repairs -SAND
 BID OPENED: JUNE 13, 2014 10:00 a.m.

Note: Bid Bond 5% (not required on less than \$10,000) WAIVED

| VENDOR | Bid Executed / Signed / Notarized | Addenda 1 & 2 SIGNED | Sand Meets criterion? | BID : SAND PRICE PER TON | EX 5850 Tons = Total \$ |
|---|-----------------------------------|----------------------|-----------------------|--------------------------|-------------------------|
| RLF BALDWIN OPERATIONS LLC (Layco Mining, LLC) | yes | yes | yes | \$6.00 | \$35,100 |
| P & R MINING | | | | | |
| CORN BRANCH SAND & CLAY, LLC | | | | | |
| BAMACO, Inc | | | | | |
| SAND AND CLAY, INC | | | | | |
| BALDWIN SAND AND GRAVEL, LLC | yes | yes | no | \$5.98 | \$34,983 |
| HWY 27 DIRT | | | | | |
| CHILDRESS SITEWORKS, INC | | | | | |
| MARTIN MARIETTA MATERIALS INC | | | | | |

Recommendation: Award bid to : RLF Baldwin Operations in the amount of \$6.00 per ton

To my knowledge this is an accurate bid tabulation.

Jennifer Fidler 6/16/14
 Jennifer Fidler

Daniel P. Ames 6/13/14
 Daniel P. Ames, Purchasing Manager

Scott L. Douglass 6/13/14
 Scott L. Douglass, PE
 South Coast Engineers, LLC



Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to Award bid for Magnolia Beach Emergency Repairs - Transport of Sand (Bid Number 021-14) with bid proposal in the amount of \$34,807.50 for 5,850 tons of Sand. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

23 June 2014

RESOLUTION NO. 2239-14

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

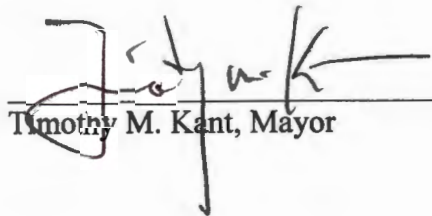
[1] That the City of Fairhope, by and through South Coast Engineers, Project Engineer, did request, receive, and open bids for Magnolia Beach Emergency Repairs – Transport of Sand (Bid No. 021-14).

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

Please see attached Bid Tabulation for
Magnolia Beach Emergency Repairs – Transport of Sand

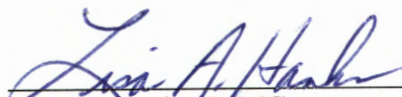
[3] After evaluating the bid proposals with the required bid specifications, Aaron Boone Trucking, LLC with the total bid proposal of \$34,807.50 (\$5.95 per ton -- 5,850 tons of Sand), is now awarded the bid for Magnolia Beach Emergency Repairs – Transport of Sand.

Adopted on this 23rd day of June, 2014



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

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23 June 2014

CITY OF FAIRHOPE
 BID TAB & RECOMMENDATION
 BID NO: Q21-14
 BID NAME: Magnolia Beach Emergency Repairs --TRANSPORT OF SAND
 BID OPENED: JUNE 13, 2014 10:00 a.m.
 Note: Bid Bond 5% (not required on less than \$10,000)

| VENDOR | Bid Executed / Signed / Notarized | BID : SAND PRICE PER TON | C @ \$550 TONS = total \$ |
|-------------------------------------|-----------------------------------|------------------------------------|---------------------------|
| A-Long Boring, Inc. | | | |
| KELLEY'S WELDING & EXCAVATION, INC. | | | |
| R & S Paving & Grading, Inc. | | | |
| EVERGREEN TRANSPORT, LLC | | | |
| BARNHART CRANE & RIGGING CO | | | |
| PERDIDO TRUCKING | | | |
| AARON BOONE TRUCKING INC | YES | from RFI--\$5.95 | \$34,807.50 |
| | | From Baldwin Sand & Gravel--\$6.20 | \$36,270.00 |
| HILL TRUCKING CO. | | | |
| ESFELLER CONSTRUCTION | | | |
| GULF EQUIPMENT CORPORATION | | | |

Recommendation: Award bid AARON BOONE TRUCKING, INC IN THE AMOUNT OF \$5.95 PER TON

Jennifer Fidler 6/16/14
 Jennifer Fidler
 Public Works Director

Scott L. Douglass 6/13/14
 Scott L. Douglass, PE
 South Coast Engineers, LLC



To my knowledge this is an accurate bid tabulation.

Daniel P. Ames 6/13/14
 Daniel P. Ames, Purchasing Manager

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to Purchase Component Parts for Radio System Upgrade 2014 for the Police Department in the amount of \$244,969.40. The motion was seconded by Councilmember Boone. Council President Burrell mentioned the radio system we have right now is a safety issue, but it is not budgeted. He said payment would be made in the next fiscal year. Purchasing Manager Dan Ames explained the components being purchased off the State Bid List. Councilmember Brewer questioned if this was made available due to the Fire Department's grant. Mayor Kant replied that we only have to buy the radio system for the Police Department and not the other components that the grant will fund. He said by piggybacking off the Fire Department's grant, the City is saving over \$1.0 million dollars. After further discussion, motion passed unanimously by voice vote.

23 June 2014

RESOLUTION NO. 2240-14

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

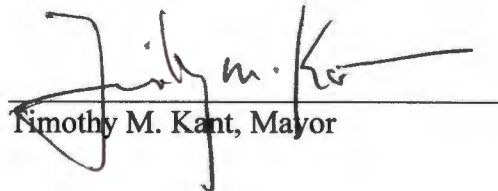
[1] That the City of Fairhope has voted to purchase Component Parts for Radio System Upgrade 2014 for the Police Department and the type of equipment needed is on the Alabama State Department of Purchasing bid list and therefore does not have to be let out for bid; and

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

Bid Number: T300

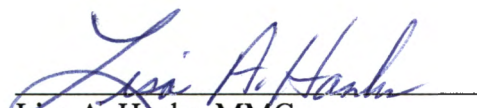
Contract Number: 4012695

Two-Way Radios Contract, Service
In-Building Repeater, Finance Charge,
And Discounts

Total Cost is \$244,969.40Adopted on this 23rd day of June, 2014


Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

City Council reviewed an application for a Beer/Wine Off-Premises License by Dahlia S. Davis for Chive Talk'n Catering, LLC, d/b/a Chive Talk'n Catering, located at 556 S. Section St, Fairhope, Alabama. Councilmember Boone announced that he needed to abstain from this vote. Councilmember Brewer moved to approve the issuance of the license. Seconded by Councilmember Mueller, motion passed by the following voice votes: AYE – Burrell, Mueller, Brewer, and Ford. NAY - None. ABSTAIN – Boone.

23 June 2014

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

Councilmember Boone moved to approve the request to move the regularly scheduled City Council meeting for July 14, 2014 to Thursday, July 10, 2014. The motion was seconded by Councilmember Brewer. Councilmember Ford stated he thought people should know why the date is being changed. Council President Burrell stated the reason for the meeting being moved is due to Mayor Kant and him attending the Farnborough International Air Show in London, England that week. He said they will be trying to attract Airbus type vendors as well as aviation and aerospace businesses to Fairhope and the Eastern Shore. We will be in the company of Congressman Bradley Byrne, Governor Robert Bentley, Mayor Sandy Stimpson from Mobile, Mayor Dane Haygood from Daphne, and some of the County Commissioners as well as other elected officials. He said Baldwin County Economic Development Alliance will be leading the charge. Mayor Kant also mentioned the need to keep a good partnership with Mobile because what happens in Mobile affects Baldwin County. After further discussion, motion passed unanimously by voice vote.

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

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute the Assignment Agreement of the Kidz Zone Play Systems of Murphreesboro, Tennessee a/k/a Kidz Zone Play Systems, LLC Contract to Advanced Recreational Concepts, LLC. The motion was seconded by Councilmember Boone. Community Affairs and Recreation Director Sherry Sullivan explained the reason for assignment was due to unforeseen circumstances with this contractor. She said the subcontractor is the entity being assigned the contract and has already been working on this project. City Attorney Wynne stated there are no legal problems with the assignment and there are no changes in the bid amount for the project. After further discussion, motion passed unanimously by voice vote.

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23 June 2014

RESOLUTION NO. 2241-14

WHEREAS, the City of Fairhope has executed a contract with Kidz Zone Play Systems of Murfreesboro, Tennessee a/k/a Kidz Zone Play Systems, LLC for the Community Park Renovations Contract dated April 14, 2014, Bid No. 008-14, Project No. PW005-13; and

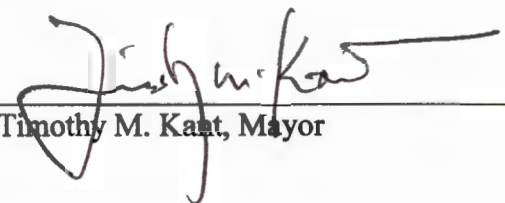
WHEREAS, Kidz Zone Play Systems, LLC, due to unforeseen circumstances is unable to complete its contractual obligations pursuant to the Contract terms; and

WHEREAS, Advanced Recreational Concepts, LLC has been working as a subcontractor on the project and is able to take over the Contract responsibilities and complete the project in compliance with the Contract terms; and

WHEREAS, pursuant to Paragraph 22 of the Contract, neither party to the Contract shall assign the Contract or subject it as a whole without the written consent of the other. Owner by signing this Assignment Agreement consents to this Assignment.


NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute the Assignment Agreement of the Kidz Zone Play Systems of Murfreesboro, Tennessee a/k/a Kidz Zone Play Systems, LLC Contract to Advanced Recreational Concepts, LLC.

DULY ADOPTED THIS 23RD DAY OF JUNE, 2014



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, MMC
City Clerk

23 June 2014

The following individuals spoke during Public Participation:

1. Willie Williams, 17420 Confederate Rest Road, addressed the City Council and stated his family wanted him to personally thank Mayor Kant and Council President Burrell for preparing a Resolution in honor of his Great Aunt's 100 year birthday. Mr. Williams commented that his Great Aunt has lived in Fairhope for over 90 years. He said tomorrow on the NBC Today Show that his Great Aunt will be shown under the "Smuckers Tribute for 100 year olds." Council President Burrell attended the celebration and presented the resolution to Ms. Payne Bonner for the City of Fairhope.

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 6:51 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk