

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, January 12, 2015.

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 Dr. Jerry Henry, Pastor of First Baptist Church, and the Pledge of Allegiance was recited. Councilmember Boone moved to approve minutes of the 18 December 2014, regular meeting; minutes of the 18 December 2014, work session; and minutes of the 18 December 2014, agenda meeting. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Mayor Kant addressed the City Council and thanked Community Affairs and Recreation Director Sherry Sullivan and staff for the excellent "New Year Eve" celebration.

Mayor Kant then asked Cathy Hudson, Fairhope High School Swim and Coach, to introduce Helen Legg. Ms. Hudson said that Helen has been the Alabama High School Athletic Association Diving Champion for 2012, 2013, and 2014. One main reason for Helen's success is that the degree of difficulty in her dives is much higher than the other divers. She takes gymnastics which also helps with diving; and is a member of the National Honor Society as well as the Track Team. Council President Burrell said we should also recognize Cathy Hudson for doing a fantastic job as the coach.

Mayor Kant also mentioned that we are moving forward with the Soccer Field Project.

Councilmember Brewer addressed the City Council and commented St. James parish is mourning the loss of Father Mark Wilson who was their pastor for 13 years. He was well-loved by everyone and will be missed. The funeral service was standing room only. She requested that everyone keep the Wilson family in their thoughts and prayers.

Councilmember Brewer stated there was a need to add on an agenda item after Agenda Item Number 15, a motion to approve the Education Advisory Committee recommendations for the school funding of the five Fairhope schools in the amount of \$346,852.00.

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

Council President Burrell addressed the City Council and welcomed back Councilmember Mueller and Brewer who were missed at the last meeting.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253, adopted 27 June 2005. Councilmember Brewer introduced in writing an ordinance to rezone the property of Bayview Ventures, LLC from B-3a Tourist Resort Lodging District to B-3b Tourist Resort Commercial Service District. This property is generally located at 72 Fairhope Avenue, Fairhope, Alabama. Parcel No. 05-46-03-37-0-010-005.002-501. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance.

Council President Burrell opened the Public Hearing at 6:15 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:15 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the January 26, 2015 City Council meeting.

Council President Burrell recognized two Boy Scouts who were in the audience. One was a Life Scout and the other one was working on being an Eagle Scout.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253, adopted 27 June 2005. Councilmember Ford introduced in writing an ordinance to zone the property of Wm. Daniel Calhoun to R-2 Medium Density Single Residential District concurrent with annexation. This property is generally located on the south side of County Road 44 (a.k.a. Twin Beech Road) between Woodlawn, Phase 1 and Summer Oaks Stables, Fairhope, Alabama. Parcel contains 32.00 acres more or less; 05-46-08-27-0-000-002.535. Woodlawn Subdivision, Phase 2 and Phase 3. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance.

Council President Burrell opened the Public Hearing at 6:17 p.m. John Avent with Preble Rish addressed the City Council on behalf of the owner. He was present to answer any questions from the City Council. No one present opposed the proposed ordinance, the Public Hearing closed at 6:18 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the January 26, 2015 City Council meeting.

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A Public Hearing was held on a proposed ordinance for a Franchise Agreement to install and operate Vending Machines in locations specified in Bid No. 002-15, Beverage Concession 2015, which was awarded on November 24, 2014 via Resolution No. 2302-14. Council President Burrell opened the Public Hearing at 6:18 p.m. The Public Hearing closed at 6:18 p.m.

Councilmember Boone introduced in writing Ordinance No. 1525, an ordinance to approve an Application from an Application from Coca Cola Bottling Company Consolidated for a Franchise Agreement to install and operate Vending Machines in locations specified in Bid No. 002-15, Beverage Concession 2015, which was awarded on November 24, 2014 via Resolution No. 2302-14. In order to take immediate action, Councilmember Boone moved for immediate consideration. Seconded by Councilmember Ford, 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. 1525. Seconded by Councilmember Ford, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Brewer moved for final adoption of Ordinance No. 1526, an Ordinance authorizing and granting to Mediacom Southeast, LLC the Right to Use the Rights-Of-Way of the City of Fairhope to Provide Cable Services to the Citizens of the City under the Terms of a Cable Television System Franchise Agreement. (Introduced at the December 18, 2014 City Council Meeting). Seconded by Councilmember Boone, 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 accepting the public streets, public right-of-ways, and all of Fairhope's public utilities located in public right-of-ways within Natures Trail, Phase One for maintenance and to authorize Mayor Timothy M. Kant to execute the Maintenance and Guaranty Agreement between the City of Fairhope and Smart Living, LLC. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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12 January 2015

RESOLUTION NO. 2311-15

WHEREAS, the Owners of Natures Trail, Phase One desire to have all public streets and public right-of-ways dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2521-A, and all Fairhope public utilities located in public right-of-ways accepted for maintenance by the City of Fairhope, Alabama, and;

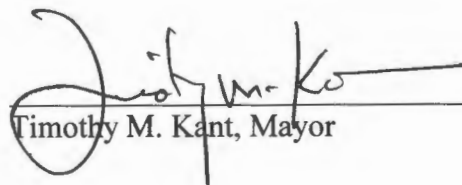
WHEREAS, the City of Fairhope, Alabama, has received notice from the engineers of the project that the design and capacity of the public improvements have been designed in conformance with City requirements, and;

WHEREAS, the Public Works Director has indicated that the improvements meet City requirements, and;

WHEREAS, the City of Fairhope, Alabama, has received from the owners of Natures Trail, Phase One, maintenance bonds for the public improvements constructed for a period of 2 years, and;

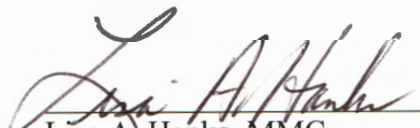
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA that the public improvements indicated herein for Natures Trail, Phase One are hereby accepted for public maintenance subject to the bond posted; and authorizes Mayor Timothy M. Kant to execute the Maintenance and Guaranty Agreement between the City of Fairhope and Smart Living, LLC (the "Subdivider").

Adopted this 12th day of January, 2015



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

12 January 2015

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope does hereby consent and agree to the transfer and assignment of the Municipal Lease with Fairhope Yardarm Restaurant and Marina Inc. to Ricci Company, LLC. Pursuant to Section 6 of said lease dated February 14, 2007. Seconded by Councilmember Ford, motion passed unanimously by voice vote. Mayor Kant said the buyer knows he will have to renegotiate when the lease comes up for renewal.

RESOLUTION NO. 2312-15

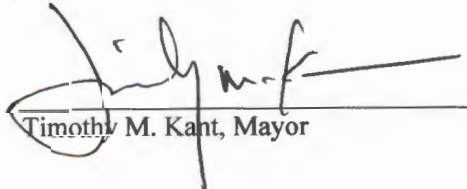
WHEREAS, the City of Fairhope has an executed Municipal Lease with Fairhope Yardarm Restaurant and Marina Inc. for that portion of the Fairhope Municipal Pier upon which the Yardarm Restaurant and building, deck, and the marina portion of the Fairhope Municipal Pier now known as the Fairhope Marina are presently situated; and

WHEREAS, Fairhope Yardarm Restaurant and Marina Inc. desires to transfer and assign said lease to Ricci Company, LLC, who has a contract to purchase the restaurant and the leasehold interest; and Section 6 of our Municipal Lease Agreement reads:


Lessee may not assign or transfer this lease, or any interest herein, without the written consent of Lessor, but the Lessor will not unreasonably withhold its consent to said transfer. Lessee shall have the right to assign or transfer this lease, or any interest herein, for such consideration and under such terms as may be deemed reasonable and appropriate to the Lessee, with the written consent of the Lessor. Lessee shall have the right to sublet a portion of the premises leased herein as Lessee sees fit, provided lease complies with all City ordinances and State laws applicable hereto, and further provided Lessee obtains the written consent of Lessor. Neither this lease nor the leasehold estate of Lessee nor any interest of Lessee hereunder in the demised premises or any buildings or improvements thereon shall be subject to involuntary assignment, transfer, or sale or to assignment, transfer or sale by operation of law in any manner whatsoever. The ownership of the existing Yardarm Restaurant building, including the deck and all additions and improvements thereto will belong to the Lessor at the end of the lease period.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope does hereby consent and agree to the transfer and assignment of Fairhope Yardarm Restaurant and Marina, Inc. to Ricci Company, LLC.

DULY ADOPTED THIS 12TH DAY OF JANUARY, 2015


 Timothy M. Kant, Mayor

Attest


 Lisa A. Hanks, MMC
 City Clerk

12 January 2015

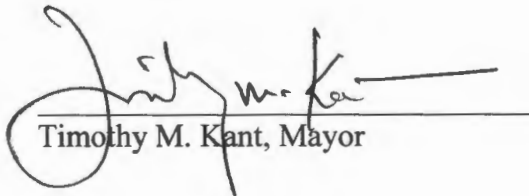
Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to Purchase five (5) Scoreboards for Founders Park for the Recreation Department off The Cooperative Purchasing Network ("TCPN") contract and therefore does not have to be let out for bid with a cost of \$22,260.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2313-15

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

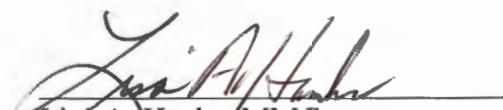
[1] That the City of Fairhope has voted to purchase five (5) Scoreboards for Founders Park for the Recreation Department and the requested items are available for direct procurement through The Cooperative Purchasing Network ("TCPN") Contract. The cost is \$22,260.00.

Adopted on this 12th day of January, 2015



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 to Award Bid for City Sketches Printing 2015 (Bid No. 001-15) with the total bid proposal of \$.95 per copy up to 9,000 copies. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

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12 January 2015

RESOLUTION NO. 2314-15

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

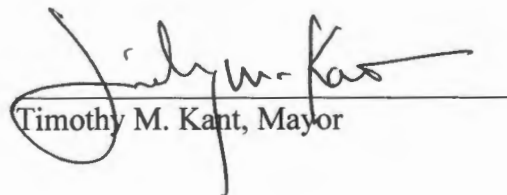
[1] That the City of Fairhope did request, receive, and open bids for the Printing of City Sketches 2015 (Bid Number 001-15) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

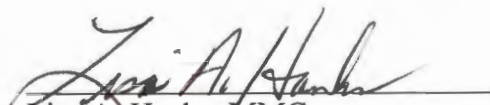
Please see attached Bid Tabulation for
the Printing of City Sketches 2015

[3] After evaluating the bid proposals with the required bid specifications, Formsystems, Inc., d/b/a FSI Group, with the total bid proposal of \$.95 per copy, up to 9,000 copies, is now awarded the bid for the Printing of City Sketches 2015.

Adopted on this 12th day of January, 2015


Timothy M. Kant, Mayor

Attest:


Lisa A. Hanks, MMC
City Clerk

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12 January 2015

CITY OF FAIRHOPE BID TABULATION and Recommendation BID NO: GDS-15 BID NAME: City Sketches Printing 2015 BID OPENED: November 24, 2014 2:00 P.M. Notes: All Bonds waived.				No Pre-bid meeting	
VENDOR	Non-Collusion Statement & Bid Proposal Executed / Signed / Notarized	Instructions / Specifications Compliance	Agenda signed [1,2,3]		
Key Graphics, Inc 3723 Nail Printing	yes	yes	yes	NUMBER OF COPIES	BID Price per COPY
				1 to 5000	\$ 0.995
				5001 to 9999	\$ 0.995
				10	\$
				10	\$
POSTMARK INK				NUMBER OF COPIES	BID Price per COPY
				No response	
				10	\$
				10	\$
				10	\$
				10	\$
COTYEN PRINTING				NUMBER OF COPIES	BID Price per COPY
				No response	
				10	\$
				10	\$
				10	\$
				10	\$
INDEPENDENT GRAPHIC SERVICE				NUMBER OF COPIES	BID Price per COPY
				No response	
				10	\$
				10	\$
				10	\$
				10	\$
SOUTHERN REPRO GRAPHICS				NUMBER OF COPIES	BID Price per COPY
				No response	
				10	\$
				10	\$
				10	\$
				10	\$

DATA SUPPLIES, INC.				NUMBER OF COPIES	BID Price per COPY
				No response	
				10	\$
				10	\$
				10	\$
				10	\$
MAIL ENTERPRISES, LLC				NUMBER OF COPIES	BID Price per COPY
				No response	
				10	\$
				10	\$
				10	\$
				10	\$
FORM SOLUTIONS, INC.				NUMBER OF COPIES	BID Price per COPY
				No response	
				10	\$
				10	\$
				10	\$
				10	\$
Graphix For You Reprographics & More				NUMBER OF COPIES	BID Price per COPY
				No response	
				10	\$
				10	\$
				10	\$
				10	\$
Manifold Advantage - MCO				NUMBER OF COPIES	BID Price per COPY
				No response	
				10	\$
				10	\$
				10	\$
				10	\$
COMMERCIAL PRINTING				NUMBER OF COPIES	BID Price per COPY
				No response	
				10	\$
				10	\$
				10	\$
				10	\$
GULF COAST OFFICE PRODUCTS (SCOP)				NUMBER OF COPIES	BID Price per COPY
				No response	
				10	\$
				10	\$
				10	\$
				10	\$

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Bidder				NUMBER OF COPIES	BID Price per COPY
Bidways LTD				No response	
				to	\$
				to	\$
				to	\$
				to	\$
FBI Group (FORMSYSTEMS, Inc)				to 9000	\$ 0.95
				to	\$
				to	\$
				to	\$
NPC, Inc				5000 to 5999	\$ 0.73
				6000 to 6999	\$ 0.87
				7000 to 7999	\$ 0.98
				8000 to 11000	\$ 0.82

* Did not include postage as specified in Bid in the amount of \$4700.

Recommendation: Award to FBI Group in the amount of 0.95 per copy as quoted in their bid response.

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution to Purchase four (4) Vehicles for the Police Department off the Alabama State Purchasing bid list and therefore does not have to be let out for bid with a total cost of \$117,818.56. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 2315-15

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 four (4) Vehicles for the Police Department and the type of vehicle needed is on the Alabama State Department of Purchasing bid list and therefore does not have to be let out for bid; and

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

Bid Number: T191L

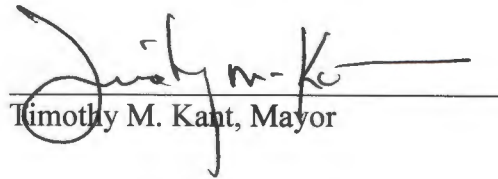
Contract Number: 4012863

2015 Chevy Tahoe SUV Vehicle

Cost is \$29,454.64 each


Total Cost for Four is \$117,818.56

Adopted on this 12th day of January, 2015



Timothy M. Kant, Mayor

Attest:



Lisa A. Nanks, MMC
City Clerk

Councilmember Brewer introduced in writing and moved to amend the resolution that the City Council hereby adopts and approves the Mission Statement for the Pedestrian and Bicycle Committee for the City of Fairhope and the Rules to govern its operation by adding "The Committee shall meet no less than once per quarter." Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Brewer moved for final adoption of the following resolution, a resolution that the City Council hereby adopts and approves the Mission Statement for the Pedestrian and Bicycle Committee for the City of Fairhope and the Rules to govern its operation as amended. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

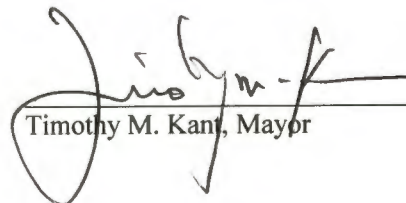
12 January 2015

RESOLUTION NO. 2316-15

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, hereby adopts and approves the Mission Statement for the Pedestrian and Bicycle Committee for the City of Fairhope and the following rules are set forth to govern its operation:

- Section 1. MISSION STATEMENT -- The Mission of Fairhope Pedestrian and Bicycle Committee, an advisory committee of the Fairhope City Council, is to promote public health and safety through Americans with Disabilities Act (ADA)-compliant transportation and recreation facilities, and to make walking, bicycling, and other non-vehicular movement safe, accessible, and convenient for all. The committee seeks to achieve this through planning, advocacy, and education, and by making recommendations to the Fairhope City Council regarding ordinances, programs, policies, and funding priorities related to bicycling and walking.
- Section 2. MEMBERSHIP -- The Committee shall consist of eight members, appointed by the City Council, and one City Council liaison.
- Section 3. VACANCIES -- Any vacancy in the membership shall be filled by appointment by the City Council at the recommendation of the City Council liaison.
- Section 4. RULES OF PROCEDURE -- The Committee shall:
- A. Elect a Chairperson, and Acting Chairperson (to serve in the absence of the Chairperson), and a Secretary. Each will serve for one year or until re-elected or a successor is elected.
 - B. All meetings shall be open to the public. Meetings will be held regularly at intervals and on dates determined by the committee. The Committee shall meet no less than once per quarter.
 - C. A majority of committee members must be present to constitute a quorum of regular and special meetings.

ADOPTED ON THIS 12TH DAY OF JANUARY, 2015



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

12 January 2015

Councilmember Brewer moved to grant the request of Pat Lee with Children of the World, Inc. requesting permission to use the streets of Fairhope for their 19th Annual Chinese New Year Parade on February 21, 2015 at 1:00 p.m. (Section Street, De La Mare Avenue, Church Street, and Fairhope Avenue). Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Brewer moved to approve the Education Advisory Committee recommendations for the school funding of the five Fairhope schools in the amount of \$346,852.00. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Heiko Einfeld, Director of the Eastern Shore Chamber of Commerce, addressed the City Council and gave an update on the Chamber. He mentioned an expansion in database for distribution, increase in membership, the "Only in Fairhope" advertisement during Christmas, and still promoting the Fairhope Arts and Crafts Festival which is their largest annual event.

Erik Cortinas addressed the City Council on behalf of the Fairhope Booster Club and announced the annual Pancake Breakfast on January 24, 2015. He also mentioned the Fairhope Basketball Team will be playing this weekend: Fairhope vs. McGill Toolen.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 6:40 p.m.


Jack Burrell, Council President


Lisa A. Hanks, MMC
City Clerk