

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, 13 April 2009.

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

There being a quorum present, Council President Pro Tempore Mixon called the meeting to order. The invocation was given by Dr. Paul Fowler, Pastor of Eastern Shore Presbyterian Church, and the Pledge of Allegiance was recited. Councilmember Stankoski moved to approve minutes of the 23 March 2009, regular meeting. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Kingrea moved to approve minutes of the 30 March 2009, Special City Council meeting. Seconded by Councilmember Ford, motion passed by the following voice vote: AYE – Stankoski, Mixon, and Kingrea. NAY – None. ABSTAIN – Ford.

Councilmember Ford moved to approve minutes of the 30 March 2009, Public Hearing on the 2% Sales Tax. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

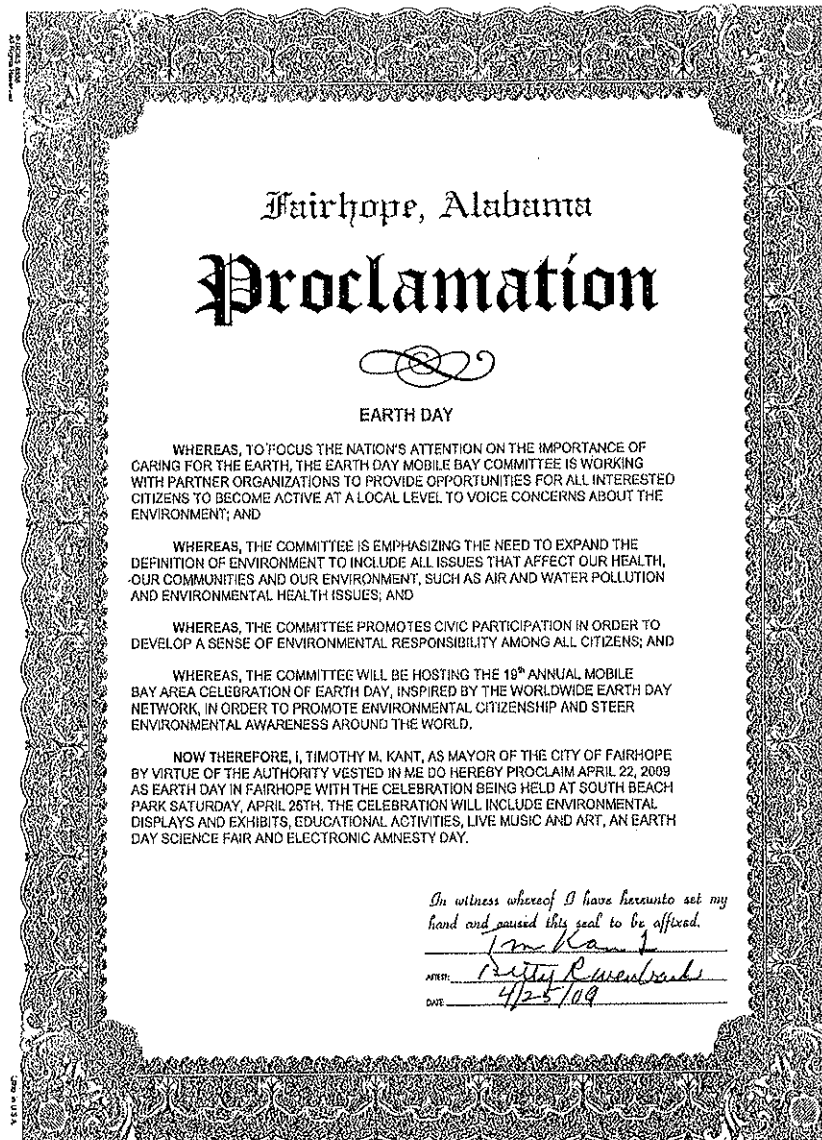
Councilmember Ford moved to approve minutes of the 3 April 2009, Special City Council meeting. Seconded by Councilmember Ford, motion passed by the following voice vote: AYE – Stankoski, Mixon, and Ford. NAY – None. ABSTAIN – Kingrea.

Council President Pro Tempore Mixon stated that he would like Items Numbered 7. l.), 7. m.), and 7. n.), under Resolutions and Ordinances, to be passed until the next City Council meeting on April 27, 2009. All of these items relate to the proposed 2% Sales Tax. Councilmember Stankoski moved to pass the above mentioned items until the City Council meeting on April 27, 2009. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Council President Pro Tempore Mixon announced that Item 3. D. under presentations has been pulled at the request of Jo Ann Broadus on behalf of the 2008 and 2009 Dogwood Trail Court.

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The following proclamation was presented by Jennifer Fidler, Public Works Director, Proclaiming Wednesday, April 22, 2009 as Earth Day and the celebration to be held on Saturday, April 25, 2009 at South Beach Park.



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Jay Hastings, member of the Alabama Governor's Conference Committee, addressed the City Council requesting permission to close the streets for an event which will take place during the Alabama Governor's Conference which will be held from August 29, 2009 to August 31, 2009. The street party, parade, and fireworks will be on August 31, 2009 and the requested street closure is from 4:00 p.m. until 9:00 p.m. on Bancroft and Section. The committee is also requesting the City Council to waive the fees for the event and allow alcohol to be served. Sherry Sullivan, Director of Senior Services, said they had received a \$5,000 economic development grant from AMEA to help cover any costs the City may incur and most of what the City will provide will be in-kind services and/or will be covered by the grant. Ms. Sullivan mentioned there would also be a Taste of Fairhope during the event.

After further discussion, Councilmember Stankoski moved to grant the request of the Alabama Governor's Conference Committee to close the requested streets, waive the event fees, and allow alcohol to be served on August 31, 2009 from 4:00 p.m. until 9:00 p.m. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Jay Hastings, Director of Tourism for the Eastern Shore Chamber of Commerce thanked the City of Fairhope for their support and assistance with their Arts & Crafts Festival this year. He presented the City of Fairhope with a framed signed 57th Annual Arts and Crafts Festival poster. Mr. Hastings, on behalf of the Eastern Shore Chamber of Commerce, requested permission for the use of the streets for the 58th Annual Arts and Crafts Festival to be held March 19, 2010 through March 21, 2010. The Eastern Shore Chamber of Commerce requests permission to block the streets from Thursday, March 18, 2010 at 5:00 p.m. through Sunday, March 21, 2010 at 9:00 p.m. The only addition is the extension on South Church Street to accommodate requests from various merchants in the area.

After further discussion, Councilmember Ford moved to grant the request of the Eastern Shore Chamber of Commerce requesting permission to block streets for their 58th annual Arts and Crafts Festival on March 19, 20, and 21, 2010. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

A Public Hearing was held as advertised on a proposed vacation of a portion of Street (Courthouse Drive) by Baldwin County Commission, David E. Bishop, Chairman is the owner and holder of interest of the lands abutting that portion of Courthouse Drive described as follows, to-wit:

The southern 254.55 feet of the 60 foot wide right-of-way know as Courthouse Drive located north of County Road 48 (Fairhope Avenue) and west of Bishop Road in Fairhope, Alabama.

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More particularly described as follows:

Commencing at the Southeast Corner of the Northwest Quarter of Section 16, Township 6 South, Range 2 East, and run thence South 89 degrees 58 minutes West 231.0 feet; thence run North 00 degrees 10 minutes 31 seconds East 33 feet to an iron pin marker on the North margin of County Highway Number 48 (Fairhope Avenue); thence run South 89 degrees 58 minutes West 250 feet to the POINT AND PLACE OF BEGINNING; thence run North 00 degrees 10 minutes 31 seconds East 254.55 feet to a point; thence run North 89 degrees 58 minutes East 60 feet to a point; thence run South 00 degrees 10 minutes 31 seconds West 254.55 feet to a point; thence run South 89 degrees 58 minutes West 60 feet to the POINT AND PLACE OF BEGINNING.

Council President Pro Tempore Mixon opened the public hearing at 6:15 p.m.

Richard Johnson of the Baldwin County Highway Department spoke on behalf of the Baldwin County Commission and explained the need for the vacation and that the ingress and egress would be intact until the road was completed and a new one built and serviceable.

Councilmember Stankoski asked about the parking situation. David E. Bishop, Chairman of the Baldwin County Commission, explained the parking would be adequate.

The public hearing was closed at 6:18 p.m.

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the vacation of that portion of Courthouse Drive described in this Resolution. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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13 April 2009

COUNTY OF BALDWIN:

STATE OF ALABAMA:

RESOLUTION NO. 1501-09

**RESOLUTION OF THE CITY OF FAIRHOPE OF
BALDWIN COUNTY, ALABAMA
FOR THE VACATION OF PORTION OF STREET**

R E C I T A L S:

1. BALDWIN County Commission, David E. Bishop, Chairman (the "Petitioner") is the owner and holder of interest of the lands abutting that portion of Courthouse Drive described as follows, to-wit:

The southern 254.55 feet of the 60 foot wide right-of-way know as Courthouse Drive located north of County Road 48 (Fairhope Avenue) and west of Bishop Road in Fairhope, Alabama.

More particularly described as follows:

Commencing at the Southeast Corner of the Northwest Quarter of Section 16, Township 6 South, Range 2 East, and run thence South 89 degrees 58 minutes West 231.0 feet; thence run North 00 degrees 10 minutes 31 seconds East 33 feet to an iron pin marker on the North margin of County Highway Number 48 (Fairhope Avenue); thence run South 89 degrees 58 minutes West 250 feet to the POINT AND PLACE OF BEGINNING; thence run North 00 degrees 10 minutes 31 seconds East 254.55 feet to a point; thence run North 89 degrees 58 minutes East 60 feet to a point; thence run South 00 degrees 10 minutes 31 seconds West 254.55 feet to a point; thence run South 89 degrees 58 minutes West 60 feet to the POINT AND PLACE OF BEGINNING.

2. The Petitioner has filed a Petition with the City of Fairhope of Baldwin County, Alabama (the "City") requesting that the City adopt a resolution to vacate that portion of Courthouse Drive described in Paragraph 1. of this Resolution.

3. The Petitioner, pursuant to Ala. Code 1975, §23-4-20, desire to vacate that portion of Courthouse Drive described in Paragraph 1. of this Resolution, and, pursuant to applicable law, destroy the force and effect of the dedication of that portion of Courthouse Drive described in Paragraph 1. of this Resolution, and to divest all public rights, including any and all rights which may have been acquired by prescription in and to that portion of Courthouse Drive described in Paragraph 1. of this Resolution.

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4. The property described in **Paragraph 1.** of this **Resolution** are located within municipal limits of the **City of Fairhope of Baldwin County, Alabama** and are not located within or share jurisdictional boundaries with any other municipality or Baldwin County, Alabama.

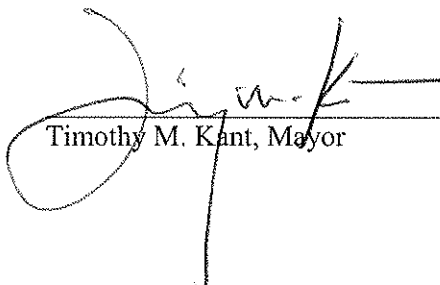
5. It is in the interest of the public that that portion of Courthouse Drive described in **Paragraph 1.** of this **Resolution** be closed and vacated.

6. The vacation of that portion of Courthouse Drive described in **Paragraph 1.** of this **Resolution** shall not deprive other property owners of such rights as they may have to convenient and reasonable means of ingress and egress to and from their property.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE OF BALDWIN COUNTY, ALABAMA, that the **City** does assent to the vacation of that portion of Courthouse Drive described in **Paragraph 1.** of this **Resolution** and that portion of Courthouse Drive described in **Paragraph 1.** of this **Resolution** is vacated and annulled and all public rights and easements therein divested of the lands described as that portion of Courthouse Drive described in **Paragraph 1.** of this **Resolution.**


The foregoing resolution was adopted and approved on the 13th day of April 2009, by the City of Fairhope.

Approved:



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Council President Pro Tempore Mixon announced Item A. 1) is minutes from Reports of Standing Committees being presented and reviewed by the City Council:

A. Finance Committee

Review minutes from meeting held March 16, 2009

He also mentioned that the item for the establishment of a pay scale for rank of Captain on the Fairhope Police Department is being pulled and would not be discussed because the issue had been resolved.

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Councilmember Ford addressed the City Council and stated the Recreation Board has been actively looking for park land. He said the Recreation Board looked at a 40 acre parcel on the SW corner of County Road 13 and Manley Road.

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

B. Strategic Planning Committee

Review minutes from meeting held March 12, 2009

He also mentioned that the Strategic Planning Committee would give an update at the Work Session on April 27, 2009 at 5:00 p.m. prior to the regular City Council meeting.

Councilmember Stankoski addressed the City Council and gave an update from the Chief of Police Search Committee. He gave the following synopsis:

February 6, 2009 they created the job description and in response received 116 applicants; March 10, 2009 narrowed down the applicants to 25 applicants; April 7, 2009 narrowed the 25 applicants to 10 applicants; now the committee is working on interview questions; and hopes to narrow down further to 5 applicants to present to the City Council.

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an agreement between the City of Fairhope and Baldwin County Health Department to support the comprehensive mosquito control program in accordance with the publication: How to Start a Mosquito Control Program in Your Town, Alabama. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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13 April 2009

RESOLUTION NO. 1502-09

WHEREAS, This agreement is entered into between the Baldwin County Health Department and the City of Fairhope pursuant to an appropriation as provided in 22-3-10 Code of Alabama, 1975 and entitled "Tax to establish and maintain county health officer and health department;" and,

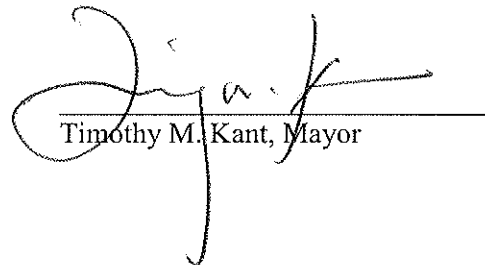
WHEREAS, the City of Fairhope agrees to support a comprehensive mosquito control program in accordance with the publication: How to Start a Mosquito Control Program in Your Town, Alabama, "Step-By-Step instructions and resources to protect the public Health from Mosquito-Borne Diseases" and other such information and guidance as endorsed by the Baldwin County Health Department and the Alabama Department of Public Health; and,

WHEREAS, the Baldwin County Commission has established a separate fund for the proceeds of said tax. Such taxes shall be used for no other purpose except that for which the said tax is levied and collected. The proceeds of said tax shall be transferred from the separate fund to the City based on a written authorization from the Department. Appropriations are based on \$2.00 per resident population according to the 2000 Decennial Census in the amount of \$24,960.00 per year for the term of this agreement.

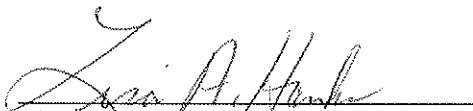
WHEREAS, all services performed under this Agreement shall begin on the date on which this Agreement is executed and shall terminate on December 16, 2011.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute an agreement between the City of Fairhope and Baldwin County Health Department to support the comprehensive mosquito control program in accordance with the publication: How to Start a Mosquito Control Program in Your Town, Alabama.

ADOPTED THIS 13TH DAY OF APRIL, 2009.


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, City Clerk

13 April 2009

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to sign the Municipal Water Pollution Prevention Program (MWPP) Report for 2008. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1503-09

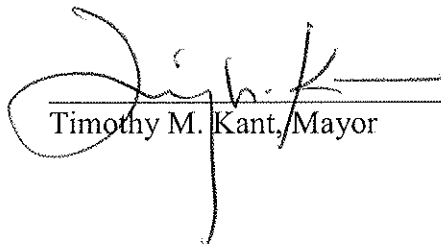
**MUNICIPAL WATER POLLUTION PREVENTION (MWPP) PROGRAM
ATTACHMENT 1**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to inform the Department of Environmental Management that the following actions were taken by the City Council of the City of Fairhope, Alabama.

1. Reviewed the MWPP Annual Report which is attached to the resolution.
2. Set forth the following actions and schedule necessary to maintain effluent requirement contained in the NPDES Permit, and to prevent the bypass and overflow of raw sewage within the collection system or at the treatment plant:

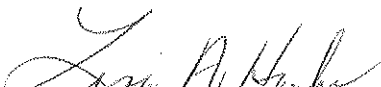
No action was required to be taken by the City of Fairhope.

Adopted this 13th day of April, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

13 April 2009

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution stating that the City of Fairhope endorses the designation of the South Alabama Regional Planning Commission as the grant applicant to the Southeast Energy Efficiency Alliance related to the proposed creation of a "Baldwin County Energy Alliance" and that the City will appoint a representative to participate in the organization of the Alliance. Jenny White from the South Alabama Regional Planning Commission briefly explained need for the resolution. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1504-09

ENDORING THE SOUTH ALABAMA REGIONAL PLANNING COMMISSION
AS THE GRANT APPLICANT TO THE SOUTHEAST ENERGY EFFICIENCY
ALLIANCE

WHEREAS, the Southeast Energy Efficiency Alliance (SEEA) is an alliance of regional residential consumer organizations, large businesses, several regional utilities, federal and state agencies, and a variety of environmental and other non-profit organizations interested in the promotion and achievement of energy efficiency in the Southeast; and

WHEREAS, energy alliances have been successful in promoting energy conservation in other regions of the United States by bringing businesses, utilities, governments, public utility commissions, low income energy advocates, large energy consumers and universities to promote energy efficient policies and practices; and

WHEREAS, the creation of an energy alliance represents an organizational vehicle and program plan to access federal and other funds with a leveraging potential not otherwise likely; and

WHEREAS, the SEEA has issued a Request for Proposals for a grant to design and implement a local energy alliance that will promote energy efficiency through public and private partnerships and will conduct energy audits, promote energy conservation, and facilitate the creation of renewable energy through projects accessing funding sources for energy-related projects; and

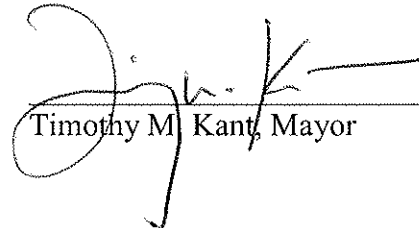
13 April 2009

WHEREAS, the South Alabama Regional Planning Commission, organized pursuant to applicable Alabama Law, has the regional organization structure, 501 (c) (3) status, and the resources to coordinate the formation of a regional Energy Alliance for Baldwin County, AL known as the "Baldwin County Energy Alliance;" and

WHEREAS, Participation in a regional Energy Alliance may benefit the citizens of the City of Fairhope; now therefore

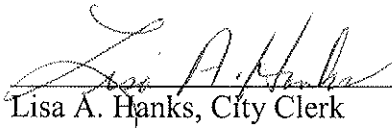
BE IT RESOLVED BY THE CITY COUNCIL, IN REGULAR SESSION ASSEMBLED, that The City of Fairhope endorses the designation of the South Alabama Regional Planning Commission as the grant applicant to the Southeast Energy Efficiency Alliance related to the proposed creation of a "Baldwin County Energy Alliance" and that the City will appoint a representative to participate in the organization of the Alliance.

Adopted this 13th Day of April, 2009



Timothy M. Kant, Mayor

ATTEST



Lisa A. Hanks, City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to award Bid for a Digger Derrick Truck (Bid Number 003-09). Seconded by Councilmember Stankoski, motion passed unanimously by voice vote. This purchase will be funded by the Electric Reserve Fund.

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13 April 2009

RESOLUTION NO. 1505-09

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

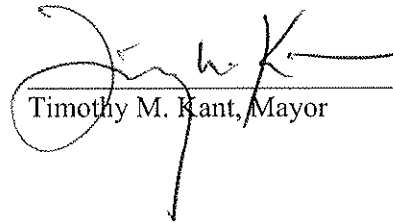
[1] That the City of Fairhope did request, receive, and open bids for a Digger Derrick Truck (Bid Number 003-09) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

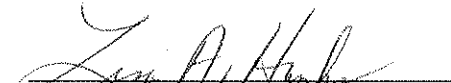
Please see attached Bid Tabulation for a Digger Derrick Truck

[3] After evaluating the bid proposals with the required bid specifications, Altec Industries, Inc., with the total bid proposal of \$215,744.00, is now awarded the bid for a Digger Derrick Truck.

Adopted on this 13th day of April, 2009


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, City Clerk

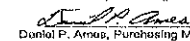
CITY OF FAIRHOPE
 BID TABULATION AND RECOMMENDATION
 BID NO. : 003-09
 BID NAME: DIGGER DERRICK TRUCK
 BID OPENED: 04-01-09
 Note: Bid Bond waived

VENDOR	Delivery lead time ARO	Manufacturer	Model	Bid Price per Unit
Altec Industries, Inc.	210-240 days	Altec	D4080A-TR	\$ 215,744.00
Terex Utilities, Inc.	210-240 days	Terex Telect	C100H1	\$ 223,106.00
Ward International	240 days	Terex Telect	6051	\$ 227,432.00
Kenworth of Mobile, Inc.	No Bid	No Bid	No Bid	No Bid
Work Truck, LLC	No Response	No Response	No Response	No Response
Truck Equipment Sales, Inc.	No Response	No Response	No Response	No Response
Conquest Trucks / Southern Trucks	No Response	No Response	No Response	No Response
Chris Myers	No Response	No Response	No Response	No Response
Constel Ford	No Response	No Response	No Response	No Response
Ward International	No Response	No Response	No Response	No Response

Recommendation: Award bid to Altec Industries, Inc. for their bid of \$215,744.00


 Scott Sligh, P.E., Traffic Superintendent 4.16.2009

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


 Daniel P. Armas, Purchasing Manager 4.16.09

13 April 2009

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution to award Bid for Regrassing of the Greens at the Quail Creek Golf Course (Bid Number 004-09). Seconded by Councilmember Ford, motion passed unanimously by voice vote. This purchase will be funded by the General Obligation Warrant. Councilmember Stankoski mentioned that the greens have never been regrassed since the course was built and the City must keep up the Golf Course if we want to remain competitive with others.

RESOLUTION NO. 1506-09

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

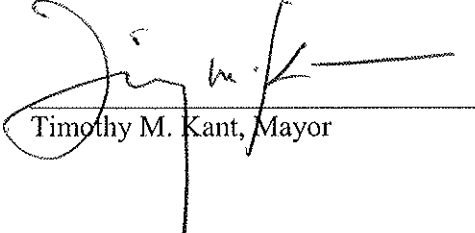
[1] That the City of Fairhope did request, receive, and open bids for Regrassing of the Greens at the Quail Creek Golf Course (Bid Number 004-09) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for Regrassing of the Greens
at the Quail Creek Golf Course


[3] After evaluating the bid proposals with the required bid specifications, Craft Turf Farms, with the total bid proposal of \$33,784.00, is now awarded the bid for Regrassing of the Greens at the Quail Creek Golf Course.

Adopted on this 13th day of April, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

13 April 2009

RESOLUTION NO. 1507-09

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

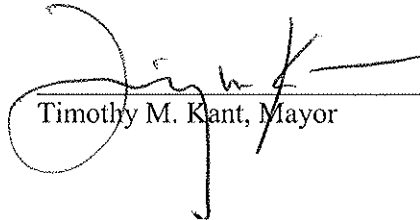
[1] That the City of Fairhope did request, receive, and open bids for Methyl Bromide Treatment for the Greens at Quail Creek Golf Course (Bid Number 005-09) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached Bid Tabulation for Methyl Bromide Treatment
for the Greens at Quail Creek Golf Course

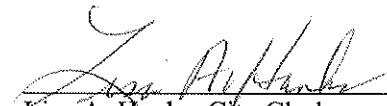
[3] After evaluating the bid proposals with the required bid specifications, Sur-Line Turf, Inc., with the total bid proposal of \$23,519.00, is now awarded the bid for Methyl Bromide Treatment for the Greens at Quail Creek Golf Course.

Adopted on this 13th day of April, 2009



Timothy M. Kant, Mayor

Attest:

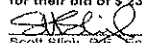


Lisa A. Hanks, City Clerk

CITY OF FAIRHOPE
BID TABULATION AND RECOMMENDATION
BID NO. : 005-09
BID NAME: METHYL BROMIDE TREATMENT FOR THE GREENS AT QUAIL CREEK GOLF COURSE
BID OPENED: 04-01-09
Note: Bid Bond Waived

VENDOR	SIGNED / RETURNED ADDENDUM #1	BID PRICE
Sur-Line Turf, Inc.	YES	\$ 23,519.00
Hendrix And Dall	no reponse	no response
Hierossee	no response	no response
Agromix	no response	no response

Recommendation: Award bid to Sur-Line Turf, Inc.
for their bid of \$ 23,519.00



Scott Sligh, P.E., Engineer of Record

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



Daniel P. Ames, Purchasing Manager

4/17/2009

4/17/2009

13 April 2009

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase Five (5) Ford Crown Victoria Police Cars from the Alabama State Department of Purchasing bid list and required optional equipment (Bid Number T191L). Seconded by Councilmember Ford, motion passed unanimously by voice vote. This purchase will be funded by the General Fund.

RESOLUTION NO. 1508-09

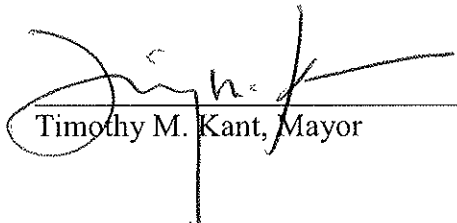
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That the City of Fairhope has voted to purchase five (5) Ford Crown Victoria Police Cars for the Fairhope Police Department and the type of vehicle that is 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: T191L	Contract Number: 4010168	
Line Number: 00002	Commodity Number: 070-08-086459	
Ford Crown Victoria	(\$21,194.00 x 5)	\$105,970.00
Required Optional Equipment (\$472.00 x 5)	<u>2,360.00</u>
Total cost of vehicles and optional equipment		<u>\$108,330.00</u>

Adopted on this 13th day of April, 2009


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to award RFQ for Actuarial Valuation of 'Other Post Employment Benefits' for the City of Fairhope. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

13 April 2009

RESOLUTION NO. 1509-09

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 an Actuarial Valuation of 'Other Post Employment Benefits' for the City of Fairhope (for compliance with GASB 45 requirement) at 161 North Section Street in the City of Fairhope offices, Fairhope, Alabama. The project scope is a database of employee health insurance and retirement projections.

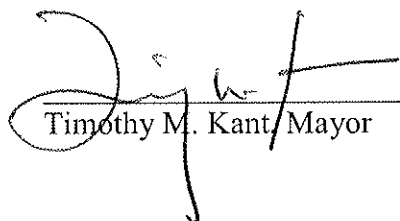
[2] At the appointed time and place, the following RFQs were received and tabulated as follows:

**ACTUARIAL VALUATION OF 'OTHER POST EMPLOYMENT
BENEFITS' FOR THE CITY OF FAIRHOPE**

Rebow & Fontenot, LLC	\$ 10,000.00
Cavanaugh Macdonald Consulting, LLC	7,309.25
Millimam	10,000.00
Mauldin & Jenkins, CPA, LLC	Not able to provide service

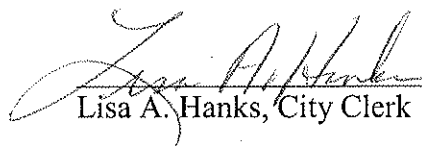
[3] After evaluating the RFQ proposal with the required specifications, Cavanaugh Macdonald Consulting, LLC, with the total RFQ proposal of \$7,309.25, is now awarded the RFQ/Quote for the actuarial valuation of 'other post employment benefits' for the City of Fairhope.

Adopted on this 13th day of April, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

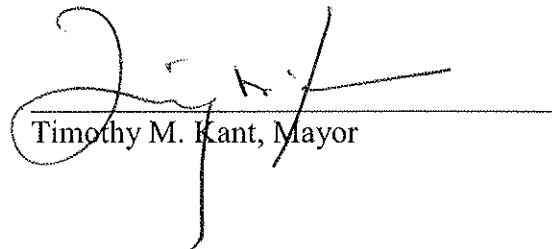
13 April 2009

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an agreement between the City of Fairhope and B.E.S. Incorporated to provide Professional Services for the United States Department of Agriculture Natural Resources Conservation Service for NRCS projects for Hurricane Gustav and Tropical Storm Fay. Seconded by Councilmember Ford, motion passed by the following voice vote: AYE – Mixon, Ford, and Kingrea. NAY – None. ABSTAIN - Stankoski. This purchase will be funded by the General Fund from operating monies for professional services.

RESOLUTION NO. 1510-09

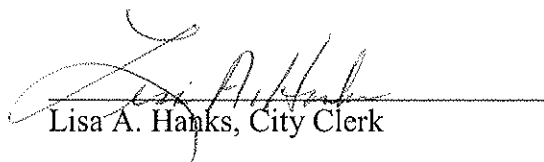
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA that Mayor Timothy M. Kant is hereby authorized to execute an agreement between the City of Fairhope and B. E. S. Incorporated to provide Professional Services for the United States Department of Agriculture Natural Resources Conservation Service for NRCS projects for Hurricane Gustav and Tropical Storm Fay. The engineering services will cost approximately \$5,500.00.

DULY ADOPTED THIS 13TH DAY OF APRIL, 2009



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute the Consent to Assignment of the Alltel Wireless Contract to Verizon Wireless, Inc. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

13 April 2009

RESOLUTION NO. 1511-09

WHEREAS, the City of Fairhope has executed a contract with Alltel Wireless for the consolidation of all cell phone services and to be our wireless provider under the technical specifications outlined in RFP 029-08; and

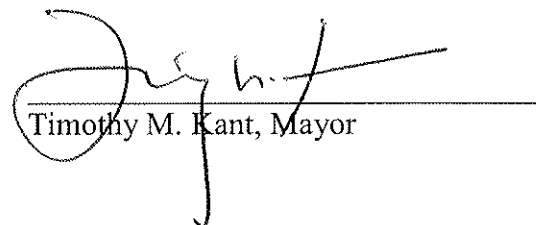
WHEREAS, Alltel Wireless has been bought out by Verizon Wireless, Inc. and Item 1, Section 16 of our Cell Phone Services Contract reads:

16. SUBLETTING OR ASSIGNING OF CONTRACT

Limitations: The Contractor shall not sublet, assign, transfer, convey, sell, or otherwise dispose of any portion of the contract, his right, title or interest therein, of his power to execute such contract, to any person, firm or corporation without written consent of the City of Fairhope, and such written consent shall not be construed to relieve the Contractor of any responsibility for fulfillment of the contract. Unless otherwise stipulated in the proposal of special provisions, the Contractor shall perform with his own Organization, and with the assistance of workmen under his immediate superintendence and reported on his payroll, all contract work.

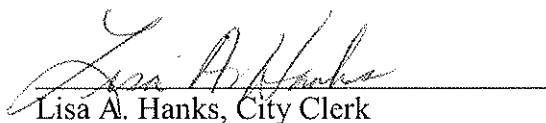
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute the Consent to Assignment of the Alltel Wireless Contract to Verizon Wireless, Inc.

DULY ADOPTED THIS 13TH DAY OF APRIL, 2009



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, City Clerk

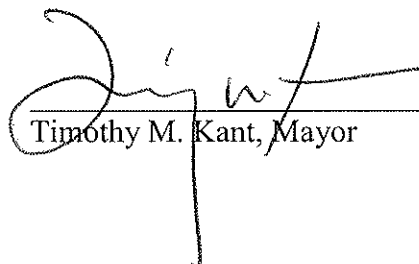
13 April 2009

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an Agreement for Engineering Services with Moore Engineering Company for the construction of 16" waterline improvements along Baldwin County Road 13 from County Road 48 North approximately 4.4 miles. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1512-09

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute an Agreement for Engineering Services with Moore Engineering Company for the construction of 16" waterline improvements along Baldwin County Road 13 from County Road 48 North approximately 4.4 miles with all necessary appurtenances to make a complete facility including a connection westerly to tie into the Rock Creek Subdivision distribution system. On this project, no payment will be made by the City until funds are available and payments are authorized by the City.

DULY ADOPTED THIS 13TH DAY OF APRIL, 2009.



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Kingrea moved to grant the request of Ginny Stimpson, Co-Chairman, Fairhope Public Library Board of Trustees, requesting permission to serve alcohol at the Post Run Event for the 5-K Run on May 1, 2009. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote. (This item was skipped in error on March 23, 2009)

13 April 2009

City Council reviewed an application for a Special Retail License by Will D. Carlton, Sr. for the Fairhope Rotary Club, on De La Mare Avenue and Church Street on May 8, 2009 for the Fairhope Rotary International Steak Championship fundraiser in Fairhope, Alabama. Councilmember Stankoski moved to approve the issuance of the license. Seconded by Councilmember Kingrea, motion passed by the following voice vote: AYE – Stankoski, Mixon, and Kingrea. NAY – None. ABSTAIN – Ford.

City Council reviewed an application for a Special Retail License by Robert G. Baumhower, owner of Wings of Daphne, for a catered party located at 7767 County Road 32, Fairhope, Alabama, at the Pilot residence, on May 2, 2009. Councilmember Ford moved to approve the issuance of the license. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Stankoski moved to address the following item **not** on the printed agenda. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

City Council reviewed an application for a Special Retail License by Baldwin Family Violence Shelter aka The Lighthouse for The Lighthouses Sunset Supper at The James P. Nix Center on I Bayou Drive, Fairhope, Alabama, on May 4, 2009. Councilmember Stankoski moved to approve the issuance of the license. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Kingrea moved to address the following item **not** on the printed agenda. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution stating that the Police General Order 3.400 is hereby amended to state that the Department Review Officer shall be an impartial law enforcement officer appointed by the Human Resources Administrator or General Superintendent. The motion was seconded by Councilmember Stankoski.

Mayor Kant addressed the City Council and explained that an incident happened when Browning was Chief of Police and the appointment was not impartial. He said the appointment needs to be someone who is impartial to the investigation. Mayor Kant suggested either the Mayor or the City Council should appoint the Review Officer and stated the Human Resources would not be familiar with the case or officers to handle the appointment.

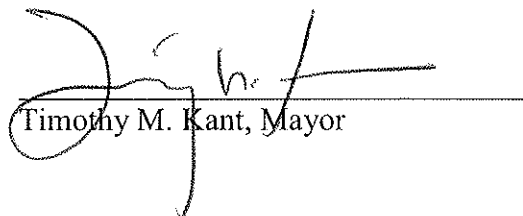
13 April 2009

After further discussion, Councilmember Kingrea moved to amend the resolution to change all wording from the Human Resources Administrator or the General Superintendent appoint the Department Review Officer to just the General Superintendent. Seconded by Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 1513-09

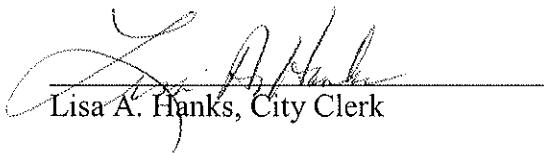
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Police General Order 3.400 is hereby amended to state that the Department Review Officer shall be an impartial law enforcement officer appointed by the General Superintendent. Said Order is further amended to state that the Review Officer shall continue to serve in that capacity until removed by the General Superintendent. Said Order is further amended to state the General Superintendent shall have the authority to remove the Review Officer and appoint a new Review Officer at any time. Said Order is further amended to state that if the Review Officer is a witness or otherwise is involved in a proposed disciplinary action and therefore is not being "impartial," the General Superintendent shall appoint a Special Review Officer for the purpose of that disciplinary action.

DULY ADOPTED THIS 13TH DAY OF APRIL, 2009



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, City Clerk

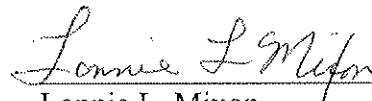
Councilmember Kingrea moved to pay bills as presented. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

13 April 2009

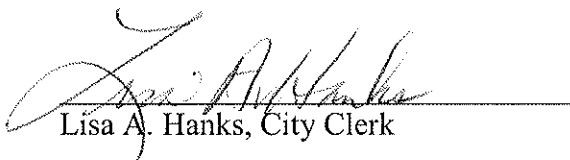
Calvin Hunt, 7616 Melvin Lane, addressed the City Council and stated that the agenda item he would be discussing had been changed. Council President Pro Tempore asked Mr. Hunt to keep with the topic on the agenda which was public participation in the selection of the Chief of Police. Mr. Hunt continued speaking on the Young Street playground issue which has been addressed several other times; and after ignoring the request of Council President Pro Tempore Mixon, Mr. Hunt was asked to leave the City Council Chambers.

Paul Ripp, 22985 High Ridge Road, addressed the City Council and stated that Mr. Hunt was speaking on the need for annexation. Council President Pro Tempore Mixon reminded Mr. Ripp that he was here to speak on the "Gag Order." Mr. Ripp proceeded to state that he was not getting any answers to his questions from the Planning & Zoning Commission or the City Council. He said it takes between six to seven weeks to get on the Planning & Zoning Commission's agenda. Council President Pro Tempore Mixon asked; what is the "Gag Order" you are referring to? Mr. Ripp replied that the Planning & Zoning Commission and the City Council were instructed by the City's attorneys to not speak on the Publix issue. Council President Pro Tempore Mixon stated that this issue had previously been addressed several times and told Mr. Ripp that he didn't like the answers he had been given, he could take whatever measures he deemed necessary.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:08 p.m.



Lonnie L. Mixon,
Council President Pro Tempore



Lisa A. Hanks, City Clerk