STATE OF ALABAMA)(
	:
COUNTY OF BALDWIN)(

The City Council, City of Fairhope, met in regular session at 5:30 p.m., Fairhope Municipal Complex Council Chambers, 161 North Section Street, Fairhope, Alabama 36532, on Monday, 26 February 2007.

Present were Council President Robert Gentle, Councilmember; Debbie W. Quinn, Daniel Stankoski, Cecil Christenberry, and Michael A. Ford; Mayor Timothy M. Kant, City Attorney Marion E. Wynne, and City Clerk Geniece W. Johnson. No one was absent.

There being a quorum present, Council President Gentle called the meeting to order. The Pledge of Allegiance was recited, and Councilmember Quinn, gave the invocation. Councilmember Stankoski moved to approve minutes of the 12 February 2007, regular meeting. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Council President Gentle recognized Boy Scout Eric Jensen. Mr. Jensen is a member of Troop 47 and is ranked as a Tender Foot.

Mayor's Comments and Staff Reports:

- Jennifer Fidler introduced Ken Eslava, the new Public Works Assistant
- Rose Fogarty and Nancy Wilson Accounting Department presented the following power point presentation no action was taken:

CITY OF FAIRHOPE CITY COUNCIL MEETING FEBRUARY 26, 2007

SUMMARY FINANCIAL REPORTS FOUR MONTHS ENDED 1/31/2007

GENERAL FUND

	4 MONTHS ENDED 1/31/07	4 MONTHS ENDED 1/31/06	(DECREASE)
REVENUES (INCLUDING UTILITY TRANSFERS)	7,259,663	5,894,899	1,364,764
EXPENSES	4,923,350	5,076,854	(153,504)
EXCESS REVENUE OVER (UNDER) EXPENSE	2,336,313		

Slide 1

GAS FUND				
	4 MONTHS ENDED 1/31/07	4 MONTHS ENDED 1/31/06	INCREASE (DECREASE)	
REVENUES	2,598,544	3,166,570	(568,026)	
COST OF ENERGY	1,591,780	2,422,361	(830,581)	
EXPENSES - INCLUDING TRANSFERS	904,989	910,431	(5,442)	

2,496,769

101,775

3,332,792

Slide 2

4 MONTHS ENDED 1/31/07	4 MONTHS ENDED 1/31/06	INCREASE (DECREASE)
5,265,140	4,473,875	791,265
2,381,648	2,452,133	(70,485)
1,628,922	1,555,490	73,432
4,010,570	4,007,623	
1,254,570		
	1/31/07 5,265,140 2,381,648 1,628,922 4,010,570	1/31/07 1/31/06 5.265,140 4,473,875 2,381,648 2,452,133 1,628,922 1,555,490 4,010,570 4,007,623

Slide 3

TOTAL COST/EXPENSE

EARNINGS (LOSS)

WATER	R/SEWEI	R FUN	D
	4 MONTHS ENDED 1/31/07	4 MONTHS ENDED 1/31/06	INCREASE (DECREASE)
REVENUES	2,447,251	2,542,478	(95,227)
COST OF ENERGY	190,943	150,337	40,606
INCLUDING TRANSFERS	2,305,783	2,042,027	263,756
TOTAL COST/EXPENSE	2,496,726	2,192,364	
EARNINGS (LOSS)	(49,475)		

Slide 4

		ND	
	4 MONTHS ENDED 1/31/07	4 MONTHS ENDED 1/31/06	INCREASE (DECREASE)
REVENUES	426,108	442,124	(16,016)
EXPENSES	489,812	473,420	16,392
EARNINGS (LOSS)	(63,704)		

Slide 5

ALL FUNDS			
	4 MONTHS ENDED 1/31/07	4 MONTHS ENDED 1/31/06	INCREASE (DECREASE)
REVENUES	17,996,706	16,519,946	1,476,760
EXPENSES	14,417,227	15,083,053	(665,826)
EXCESS REVENUE OVER (UNDER) EXPENSE	3,579,479		

Slide 6

CASH BALANCE COMPARISON AT JANUARY 31, 2007				
	CURRENT	PRIOR MONTH	PRIOR YEAR	
	1/31/2007	12/31/2006	1/31/2006	
GENERAL FUND	3,017,056	2,142,636	4,285,500	
GAS FUND	982,971	593,919	241,708	
ELECTRIC FUND	2,715,194	2,258,450	3,248,698	
WATER FUND	4,144,488	3,978,191	4,260,458	
GOLF FUND	108,060	113,316	322,270	
GAS TAX FUND	286,467	279,424	257,400	
CAPITAL PROJECTS (INCLUDES				
LIBRARY PROJECT ACCOUNT)	349,309	245,331	996,364	
TOTAL – ALL FUNDS	11,603,545	9,611,267	13,612,398	
SINKING FUNDS	1,556,731	1,444,498	1,549,222	
WARRANT FUNDS	666,735	663,181	1,160,805	
BALANCES EXCLUDING SINKING AND WARRANT FUNDS	9,380,079	7,503,588	10,902,371	

Slide 7

Slide 8

 Mayor Kant reminded the City Council of the Work Session scheduled for Friday, February 9th at 8:30 a.m.

Councilmember Ford introduced in writing <u>Ordinance No. 1328</u>, an ordinance rescinding Ordinance No. 1190 the Airport Safety and Security Ordinance. In order to take immediate action Councilmember Christenberry moved for immediate consideration. Seconded by Councilmember Stankoski, motion for immediate consideration passed unanimously by the following votes: AYE-Quinn, Stankoski, Christenberry, Ford, and Gentle. NAY-none. Councilmember Ford then moved for final adoption of <u>Ordinance No. 1328</u>. Seconded by Councilmember Christenberry, motion for final adoption passed unanimously by the following vote: AYE-AYE-Quinn, Stankoski, Christenberry, Ford, and Gentle. NAY-none.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution adopting the Incorporation of the Fairhope Airport Authority. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. _1353-07

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, APPROVING THE INCORPORATION OF THE FAIRHOPE AIRPORT AUTHORITY

WHEREAS, Charles E. Bassett, Michael A. Ford and Charles R. Zunk (the "Incorporators") have filed with the City Council of the City of Fairhope, Alabama, a municipal corporation organized under the laws of the State of Alabama (the "City"), an application (the "Application") for permission to incorporate Fairhope Airport Authority as a public corporation pursuant to the provisions of Title 4, Chapter 3, Article 2 of the <u>Code of Alabama</u>, (1975), as the same may be amended from time to time (the "Act"); and

WHEREAS, the Application includes a proposed form of a certificate of incorporation for said airport authority (the "Proposed Certificate"); and

WHEREAS, the City Council of the City has reviewed the contents of the Application, including the Proposed Certificate; and

WHEREAS, the City Council of the City has further determined that the form of the Proposed Certificate is appropriate and that it is in the best interest of the citizens of the City that said public corporation be formed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City, in a regular meeting of the City Council, that the allegations and statements of fact contained in the Application, heretofore filed with this Council are hereby found to be true and correct; that the Proposed Certificate is hereby approved and that the Incorporators are hereby authorized to proceed to incorporate and organize a public corporation under the provisions of the Act for the purpose of establishing an airport authority for the City.

	Adopted this the 26 th	_day ofFebruary, 2007.
ATTEST:		Timothy M. Kant, Mayor
Geniece W. Johnson, City Cl	erk	

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution naming the Airport Authority and setting the terms. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

RESOLUTION NO. <u>1354-07</u>

WHEREAS, the City of Fairhope (the "City") has provided for the establishment and operation of Fairhope Municipal Airport (the "Airport"); and

WHEREAS, to provide for funding and operation of the Airport, the City Council of the City of Fairhope (the "City Council"), being the governing body of the City, has adopted Resolution No. 1353-07, to authorize the formation of Fairhope Airport Authority (the "Authority") as a public corporation; and

WHEREAS, operation of the Airport was previously conducted by the Fairhope Airport Board, which was succeeded by the Fairhope Airport Authority, Inc. (together, the "Predecessor Operators");

WHEREAS, the City Council wishes to take certain actions to further the purposes of the Authority, including matters relating to the Predecessor Operators.

NOW, THEREFORE, BE IT RESOLVED by the City Council, acting pursuant to § 4-3-45 of the <u>Code of Alabama</u> (1975) upon nominations made by the Mayor of the City, hereby elects the following persons, at least five of whom reside in the City and all of whom reside in the Fairhope Police Jurisdiction, to serve as directors of the Authority:

Name of Director	Initial Term of Office	Residence
Michael A. Ford	2 years	Fairhope
Joe McEnerney	2 years	Fairhope
Charles R. Zunk	4 years	Fairhope
Louis E. Mapp	4 years	Point Clear
Kenneth L. Knutsen	4 years	Point Clear
Michael Baugh	6 years	Fairhope
Charles E. Bassett	6 years	Fairhope

FURTHER RESOLVED by the City Council, that the City shall, and hereby does, assign and set over to the Authority all properties, rights and entitlements of the Predecessor Operators under the control of the City, and that they hereby ratify and confirm all acts taken by the Predecessor Operators in connection with the Airport as acts by and for the benefit of the City, all of which acts shall be deemed by the City to be for all purposes as if taken by the Authority; and

Geniece W. Johnson, City Clerk

FURTHER RESOLVED by the City Council, that the representatives of any such Predecessor Operator, including persons named as directors and officers of such bodies, are hereby authorized and empowered to take any actions necessary or appropriate, as may be requested by the Authority to dissolve, wind up or take any other action to fully vest in the Authority all properties, rights, entitlements and obligations of the City and/or the Predecessor Operators relating to the Airport.

FURTHER RESOLVED by the City Council, that Ordinance No. 1190 regarding safety and security procedures for the Airport, adopted by the City Council on October 27, 2003, is hereby rescinded, the subject matter thereof being addressed by the Authority.

FURTHER RESOLVED by the City Council, that the foregoing resolutions shall become effective upon the incorporation of the Authority.

Nominations made by the Mayor and Reso 26 th day of <u>February</u> , 2007.	olutions adopted by the City Council this the
ATTEST:	Timothy M. Kant, Mayor
Geniece W. Johnson, City Clerk	_
of the following resolution, a resolution authorized between the City of Fairhope and D and processing with four automatic annual restankoski, motion passed unanimously by versions.	& DD, LP, Spring Texas for sludge removal enewals. Seconded by Councilmember oice vote.
RESOLUTION	N NO: 1355-07
BE IT RESOLVED BY THE GOVERNING that Mayor Kant is hereby authorized to execute City of Fairhope and D & DD, LP, Spring with four automatic annual renewals. Adopted this the	cute to execute an annual contract between
ATTEST:	Timothy M. Kant, Mayor

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to <u>amend the duration</u> to May 15, 2007, of said agreement between the City of Fairhope and Natural Resources Conservation Service (NRCS) for the purpose of completing the EMP (Watershed) Project – Hurricane Katrina NRCS Project NO. 69-4101-6-27. (City Council meetings: May 11, 2006 originated, Sept. 11, 2006 –extended duration to November 22, 2006). Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

RESOLUTION NO: 1356-07

WHEREAS, the City of Fairhope entered into an agreement with the NRCS (Natural Resources Conservation Service) on May 15, 2006, for the purpose of completing the EWP (Watershed) Project - Hurricane Katrina NRCS Project No. 69-4101-6-27.

WHEREAS, This project is funded by a grant in the amount of \$1,460,000.00. The City of Fairhope is responsible for 25 percent (\$486,666.66) of the total estimated cost of implementing the emergency protection measures.

WHEREAS, The Contractor commenced performance on this Contract on June 17, 2006 (one day after receiving the Notice to Proceed), and was unable to complete the performance to the satisfaction of Lands by the extended date of November 22, 2006. (Resolution No. 1314-06 September 11, 2006 City Council meeting)

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor Timothy M. Kant is hereby authorized to <u>amend the duration</u> to May 15, 2007 of said agreement between the City of Fairhope and Natural Resources Conservation Service for the purpose of completing the EWP (Watershed) Project No. 69-4101-6-27.

AFFRUVE	D THIS THE 26th	DAY OF_ <u>February</u> , 2007.
ATTEST:		Timothy M. Kant, Mayor
Geniece W. Johnson, C	City Clerk	
hereby certify that Rese	olution No. 1356-07 is	Clerk of the City of Fairhope, Alabama, do s a true and correct copy of a resolution the City of Fairhope, Alabama, on the 26 th

Date

Geniece W. Johnson, City Clerk

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to execute a Task Agreement between the City of Fairhope and Volkert & Associates, Inc. to provide engineering service for the installation of a Roundabout Intersection at Highway 104, Scenic Highway 98 and Section Street, and addition of turn lane at Highway 104 East and Highway 98.

Councilmember Ford stated that he did not remember voting for a roundabout. Councilmember Gentle explained that Alabama Department of Transportation recommended a roundabout. Initially the roundabout would be installed and all traffic would have to use U.S. 104 or Main Street to exit downtown Fairhope. No East bound traffic would enter Veteran Drive (Section Street). However, the first phase of the development of the tri-angel (Village North PUD) causes for an ingress egress on to Veteran Drive. Therefore, motorists will be allowed to travel east on Veteran Drive to Highway 98 (Greeno Road), but the motorists will not be allowed to turn left on the Highway 98 (Greeno Road). Seconded by Councilmember Christenberry, motion passed by the following votes: AYE-Quinn, Stankoski, Christenberry, and Gentle. NAY-Ford.

RESOLUTION NO. 1357-07

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF

FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute Task Agreement No. 15 between the City of Fairhope and Volkert & Associates to provide engineer services for the roundabout intersection at Highway 104, Scenic Highway 98 and Section Street, and Intersection improvement at Highway 104 and Highway 98 (Greeno Road). Total project cost \$77,700.00 plus Geotechnical by others \$2,000.00, and Construction Observation \$25,000.00.

DULY ADOPTED THIS 26th	_DAY OFFel	oruary , 2007
Attest:	Timothy M. Ka	ant, Mayor
Geniece W. Johnson, City Clerk		

Councilmember Ford moved to appoint Louis Mapp to complete the term of Colton Coile. This term will end August 2009. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

TABULATION & RECOMENDATION Identification: <u>"SPORTS LIGHTING"</u>

Bids open on: <u>February 6, 2007</u> at: <u>10:30</u> a.m.

Lighting for New Tennis Courts and Ball Fields at Barnwell.

VENDOR:	MANUFACTURER:	TOTAL PRICE:	MISC. INFO:	DELIVERY TIME:
H.D. SUPPLY INC. Pensacola, FL	American Electric Lighting	\$59,321.00		30-45 Days
STUART C. IRBY CO. Pensacola, FL	American Electric Lighting	\$61,373.67		28-42 Days
MAYER ELECTRIC SUPPLY CO. Dothan, AL	American Electric Lighting	\$62,039.18		45-Days
UTILITY POWER, INC. FAIRHOPE, AL	American Electric Lighting	\$64,732.00		Lighting: 4-6 Weeks Poles: 4-Weeks
GRAYBAR ELECTRIC Mobile, AL	Equal to American Electric	\$77,738.00		40-Days
SOUTHCON Birmingham, AL	NO RESPONSE			
UTILITY SYSTEMS SALES Birmingham, AL	NO RESPONSE			

It is recommended to accept the low bid of H.D. SUPPLY, INC., Pensacola, FL. All specifications have been met.

Aaron Norris, Electrical Supt. Wayne Smith, Purchasing Agent

Councilmember Stankoski moved to accept the low bid of H.D. Supply, Inc., Pensacola, Florida, provided all specifications are met for lighting for the new tennis courts and ball fields at Barnwell. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote. This project is a part of the GOW 2007 Bond Issue.

TABULATION & RECOMENDATION

Identification: : "HEAVY DUTY FRONT MOWER - PUBLIC WORKS"

Bids will be opened on: Feb. 8, 2007

at: 10:15 a.m

Mower to replace an aged mower in Public Works.

VENDOR:	MANUFACTURER:	PRICE:	DELIVERY:
FOLEY IMPLEMENT, Foley, AL	John Deere Yr: 2007, Model: 997	\$13,400.00	30-Days
BEARD EQUIPMENT, Mobile, AL	John Deere Yr. 2007, Mobile: 997	\$14,717.02	30-Days
JERRY PATE, Pensacola, FL	NO BID		
BALDWIN TRACTOR, Robertsdale, AL	NO BID		
DUTCHMAN'S LAWN & GARDEN, Foley, AL	NO RESPONSE		
ROBERTSDALE POWER, Robertsdale, AL	NO RESPONSE		
TOMBIGBEE EQUIPMENT, Demopolis, AL	NO RESPONSE		

It is recommended to accept the (low) bid from FOLEY IMPLEMENT, Foley, AL. All specifications have been met.

Arthur Bosarge, Public Works Director Wayne Smith, Purchasing Agent

Councilmember Ford moved to accept the low bid of Foley Implement, Foley, Alabama, provided all specifications are met for a heavy duty front mower. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

TABULATION & RECOMENDATION

Identification: : "72 IN OUT FRONT MOWER - PUBLIC WORKS"

Bids will be opened on: Feb. 8, 2007

at: 10:15 a.m

ENDOR:	MANUFACTURER:	OPTION (Canopy Price):	PRICE:	DELIVERY:
BEARD EQUIPMENT Mobile, AL	John Deere Year: 2007 Model: 1435	2-Post Canopy \$325.00	\$14,961.00	30-Days
BEARD EQUIPMENT Mobile, AL	John Deere Year: 2007 Model: 1435	4-Post Canopy \$925.00	\$14,961.00	30-Days
FOLEY IMPLEMENT CO. Foley, AL	SPECIFICATIONS NOT MET	\$1,271.00	\$14,785.00	30-Days
DUTCHMAN'S LAWN & GARDEN, Foley, AL	NO RESPONSE			
TOMBIGBEE EQUIPMENT Demopolis, AL	NO RESPONSE			
BALDWIN TRACTOR Robertsdale, AL	NO RESPONSE			
JERRY PATE TURF Pensacola, FL	NO RESPONSE			

It is recommended to accept the bid from **BEARD EQUIPMENT**, **Mobile**, **AL** with the **4-Post Canopy**. All specifications have been met.

Arthur Bosarge, Assistant Director of Public Works Wayne Smith, Purchasing Agent

FOLEY IMPLEMENT

Foley Implement did not meet specifications. They bid a Gasoline Engine. Specifications called for a Diesel Engine.

Councilmember Christenberry moved to accept the low bid of Beard Equipment, Mobile, Alabama, provided all specifications are met for a 72" Out-Front mower. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

TABULATION & RECOMENDATION

Identification: "REPAIR METAL BUILDING – WATER DEPT"

Bids open on: February 2, 2006

at: 10:15 a.m.

Bid is for the repair of an existing metal vehicle storage building - Water/Sewer Dept.

VENDOR:	TOTAL PRICE FOR REPAIRS:	REPAIR TIME IN DAYS:
KEMKO, INC. Daphne, AL	\$25,221.00	Start to 69 days
R & R CONSTRUCTION CO. Theodore, AL	\$25,662.00	60-Days
M.W. ROGERS CONSTRUCTION, LLC Mobile, AL	\$29,377.00	30-Days
S & S CONSTRUCTION, LLC Mobile, AL	SPECIFICATIONS NOT MET	

It is recommended to accept the low bid of KEMKO, INC., Daphne, AL with all specifications being met.

Dan McCrory, Water & Sewer Supt. Wayne Smith, Purchasing Agent

S & S Construction, LLC did not meet the following specifications.

- No Liability Documentation was returned as required within the bid packet when received.
- No Workman's Compensation was returned.

Specifications called for the return of documentation for all insurance within the bid form.

Councilmember Quinn moved to accept the low bid of Kemko, Inc., Daphne, Alabama, provided all specifications are met for the repair metal building at warehouse, located at 555 South Section Street for Water/Sewer and Gas Departments. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

TABULATION

Identification: "ADDITION-METAL BUILDING-WATER DEPT"

Bids open on: February 2, 2006

at: 10:00 a.m.

Bid is for an addition to an existing metal building to be used for offices - Water/Sewer Dept.

VENDOR:	TOTAL PRICE FOR REPAIRS:	REPAIR TIME IN DAYS:
R & R CONSTRUCTION CO., Theodore, AL	\$27,664.00	90-Days
M.W. ROGERS CONSTRUCTION, LLC Mobile, AL	\$41,866.00	35-Days contingent on material building delivery
S & S CONSTRUCTION, LLC Mobile, AL	SPECIFICATIONS NOT MET	

It is recommended to accept the low bid of R & R CONSTRUCTION, Theodore, AL with all specifications being met.

Dan McCrory, Water & Sewer Supt. Wayne Smith, Purchasing Agent

S & S Construction, LLC did not meet the following specifications.

- No Liability Documentation was returned as required within the bid packet when received.
- No Workman's Compensation was returned.

Specifications called for the return of documentation for all insurance within the bid form.

Councilmember Ford moved to accept the low bid of R & R Construction, Theodore, Alabama, provided all specifications are met for the addition to the metal building at warehouse, located at 555 South Section Street for the Water/Sewer Department. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Councilmember Stankoski reported that the Sister City committee met on February 22' 2007. There has been no outreach to France and it appears that the committee will vote to discontinue the Sister City Committee due to lack of activity.

Councilmember Christenberry reported that the Fairhope Harbor Board has discovered that the Public Works project at Fly Creek will cost more than the \$32,000.00 approved on October 23, 2006, regular City Council meeting. Councilmember Christenberry recommends that the site be secured and project stopped until the remainder of the project can be bided. Councilmember Christenberry moved to declare this as an emergency bid. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember moved to reschedule the next Regular Council meeting to Wednesday, March 14th and reschedule the deadline date for submitting items for the March 14th agenda to Wednesday, March 7th due to National League of Cities Conference. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

A. J. Cooper addressed the City Council, representative of the District 17 Community addressed the City Council requesting that the City Council reconsider approving low-income housing in an already dense minority community off of Twin Beech Road. Mr. Cooper agrees that Fairhope need low-income housing because everyone should have an opportunity to have decent housing. (A public hearing was held by the City Council on February 12, 2007 approving Shellbrook Pointe project that will be a development of affordable housing)

Mr. Cooper stated that the citizens of Twin Beech area have demonstrated that they do not want a low-income housing development in their back yard. Mr. Cooper further stated that if the City Council wants low-income housing so bad, why not put this development in their neighborhood.

There being no further business to come before the City Council the meeting was duly adjourned at 6:17 p.m.

	Robert C. Gentle, Council President
Geniece W. Johnson, City Clerk	