

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 Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Monday, 13 August 2007.

Present were Council President Robert C. Gentle, Councilmembers: Daniel Stankoski, Cecil Christenberry, and Michael A. Ford; City Attorney Marion E. Wynne, and City Clerk Geniece W. Johnson. Councilmember Debbie W. Quinn, and Mayor Timothy M. Kant were absent.

There being a quorum present, Council President Gentle called the meeting to order. The Pledge of Allegiance was recited, and Dr. Jerry Henry, Pastor of First Baptist Church, gave the invocation. Councilmember Stankoski moved to approve minutes of the 23 July 2007, regular meeting. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Mayor's Comments and Staff Reports:

- Corporal Craig Sawyer addressed the City Council and presented the following report.

Fairhope Police Department
 107 North Section Street
 Fairhope, Alabama 36532
 251.928.2385

To: Fairhope City Council
 Date: August 13, 2007
 From: Corporal Craig Sawyer, Assistant Administrator
 Re: Crime Trends

According to the statistics provided by the U.S. Census Bureau, the population of the City of Fairhope in the year 1990 was 8,485. In the year 2000, it was 12,480. The estimated population for the year 2006 was 16,164. This represents a 90% increase in population from 1990 to 2006 and a 29% increase from 2000 to 2006. (Source: www.census.gov)

I researched the reported crimes in Fairhope by totaling the number of Alabama Incident/Offense Reports filed by the Fairhope Police Department from January of 1995 through July of 2007. I/O Reports are completed by police officers when a crime or incident is reported by a citizen or when the officer personally witnesses or observes a crime or incident, i.e. vandalism, trespassing, domestic violence, theft, assaults, and drug possession, etc. Each report receives a unique report number. To compile this data, I retrieved the total report numbers for each month.

In the year 1995 we totaled 1,441 I/O Reports filed in Fairhope. In the year 2006 there were 1,998 reports filed. The highest annual number filed was 2,110 in the year 2003. The highest monthly number was 231 reports in July of 2002. The lowest monthly number filed during the researched time period was 96 reports in September of 1997.

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To compare the number of reports against our population, I will compare the years 2000 and 2006. In the year 2000, with a population of 12,480 residents, we had 1,782 reports filed. In 2006 our estimated population was 16,164 residents and we had 1,988 reports filed. So, although we have seen an approximate 29% increase in population since 2000, we have averaged about an 11% increase in reported crimes.

If we estimate that our population in 1995 was 10,500 (a rough split between the 1990 population of 8,485 and the 2000 population of 12,480) then from 1995 to 2006, the population grew by about 53%. In 1995 with 1,441 reports, and in 2006 with 1,988 reports, we see an increase in reported crime of only 37%.

I am attaching two pages. The first page shows a graph representing the annual total I/O Reports filed by the Fairhope Police Department and a graph of our estimated population growth. The second page shows the monthly number of reports filed from sample years 1995, 2000, 2006, and 2007. (Note: I/O Report totals don't include collision reports, citations, and calls for service where no report was completed. This summary is an estimate of overall crime trends only.)

- Dan McCrory, Water/Sewer Superintendent addressed the City Council expressing that this is a wonderful day for the Water/Sewer Department.

Mr. McCrory presented a plaque received by the City of Fairhope Waste Water Treatment Plant from Alabama Water and Pollution Control Association as the Best Operated Plant Award, in recognition of outstanding operation achieved by the operators of this plant during the year 2007.

Mr. McCrory also presented a certificate received by the City of Fairhope Water Department from the United States Department of Health & Human Resources (DHHS) and the Center of Disease Control and Prevention (CDC) the Water Fluoridation Quality Award for 2006. The Center of Disease Control and Prevention commends this water system for its consistent and professional adjustment of the water fluoride content to the optimum level for oral health for 12 consistent months. Consistent, high-quality water fluoridation practice, as demonstrated by this water system, is a safe and effective method to prevent tooth decay, improving the oral health of community residents of all ages. Mr. McCrory stated that it has been 24 years since Fairhope has received this award.

McCrory recognized his employees from the Water/Sewer Department, and thanked Mayor Kant, and the City Council for their support of the Water/Sewer Department.

- Gregg Mims, City Planner addressed the City Council to explain the initiative of the Planning Department. Monthly e-mails from the Planning and Zoning and Board of Adjustment and Appeals will report on pending requests for permits not including residential. The press, Councilmembers, citizens, and anybody interested can get this information. This is an additional attempt to get information out.

Police Chief Michael Comalander and Corporal Craig Sawyer made the following presentation to James Stewart, Corrections Officer,:

On Monday June 18, 2007, a sixteen-year-old male was driving a full sized Ford van northbound on Section Street passing Main Street. The van left the roadway and struck a tree. As a result of the collision, a fire started in the van's engine compartment and quickly spread towards the passenger compartment. The driver was unable to exit the burning van due to the injuries he sustained and damage to the van that prevented the driver's door from being opened.

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Corrections Officer James Stewart of the Fairhope Police Department was in the area on an unrelated assignment and was the first emergency responder to arrive on scene. Officer Stewart quickly assessed the situation and realized the threat to the driver's life posed by the spreading fire. Rescuing injured persons from burning vehicles is not typically within the job domain of a corrections officer, but Officer Stewart saw the need for quick action. He opened the passenger side door of the burning van, reached across through the rising flames, and removed the teenage driver from the wreck. His actions placed him at risk of personal injury.

Fire personnel and other police personnel arrived shortly after the rescue, by which time the van was engulfed in flames. The other emergency responders agree that if the driver had not been removed from the van quickly, he would have died in the fire.

Officer Stewart's courageous and selfless actions saved the life of the teenage driver. His dedication to the preservation of life, despite the personal risk, is a credit to the City of Fairhope and to the Fairhope Police Department. His actions are reflective of the highest standards of public service.

For his actions in saving another life, Corrections Officer James Stewart is hereby awarded this Life Saving Medal.

Leroy McGaughy, President of the Sons of the American Revolution, Richard Britton, Vice President; John Goss, Awards Committee Chairman presented Correction Officer, James Stewart with the "Medal for Heroism" and a certificate. Mr. Stewart James Brooks from burning van on June 18, 2007. The Medal for Heroism is given for outstanding bravery and self-sacrifice in the face of imminent danger. This act involved great personal courage and risk to Mr. Stewart.

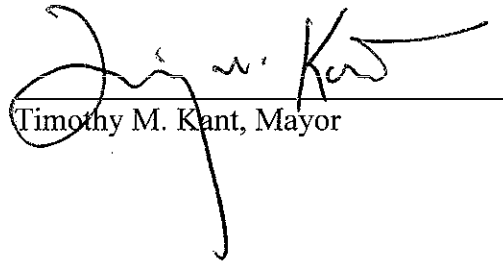
Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant and Nancy Wilson, Treasurer, to renew the Utilities line of credit with RBC Centura Bank in the amount of Two Million Dollars (\$2,000,000.00). Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

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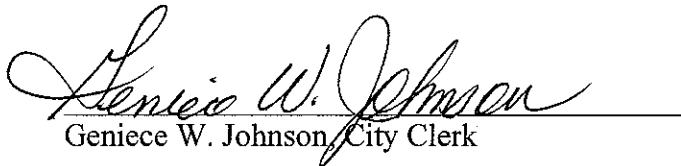
RESOLUTION NO: 1398-07

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor Timothy M. Kant and Nancy Wilson, Treasurer, are authorized to renew the Utilities line of credit with RBC Centura Bank in the amount of Two Million Dollars (\$2,000,000.00) for summer utility bills and will be repaid in fall as customer utility payments are received.

Adopted on this 13th day of August, 2007


 Timothy M. Kant, Mayor

Attest:


 Geniece W. Johnson, City Clerk

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor 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.

RESOLUTION NO. 1399-07

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,

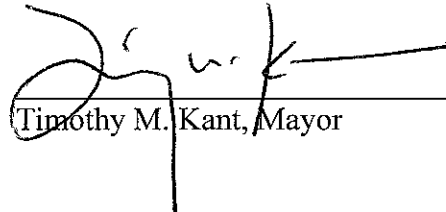
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WHEREAS, the Baldwin County Commission has established a separate fund for the proceeds of said tax. Such taxes shall be used for no other purpose except that for which the said tax is levied and collected. The proceeds of said tax shall be transferred 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.

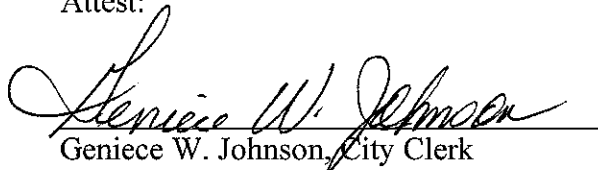
WHEREAS, all services performed under this Agreement shall begin on the date on which this Agreement is executed and shall terminate on December 16, 2008.

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 August, 2007.


 Timothy M. Kant, Mayor

Attest:


 Geniece W. Johnson, City Clerk

Councilmember Christenberry moved to update Fairhope Police Reserve Roster by adding Stony Burk, Rebekah MacLean, Phillip Tipp, and Daniel Rada; and removing Brandon Powell and Jeremy Davis. Seconded by Councilmember Stankoski motion passed unanimously by voice vote.

Faye Broome addressed the City Council requesting permission to operate a vending business at the Fairhope Municipal Pier to sell fishing bait and tackle. Ms. Broome stated that this would be a great service to offer the citizens and tourists.

Councilmember Stankoski stated that a couple of weeks ago two other requests were presented to the City Council to operate at the Fairhope Municipal Pier, and personally he would not like to see any vending at the pier.

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Council President Gentle stated that he to is against anything vending at the Fairhope Municipal Pier.

Councilmember Christenberry stated that his biggest concern is allowing someone to do vending operations out of a truck. After further discussion, Councilmember Stankoski moved to deny Ms. Broome's request. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.



HUTCHINSON, MOORE & RAUCH, LLC
 Post Office Box 1127
 Daphne, Alabama 36526
 Telephone: (251) 626-2626
 Fax: (251) 626-6934

June 21, 2007

Honorable Tim Kent, Mayor
 The City of Fairhope
 Post Office 429
 Fairhope, Alabama 36533

RE: Fairhope South Beach Park Trail Extension
 Recreational Trails Program
 City of fairhope

Dear Mayor Kant:

Enclosed is the Tabulation of Bids received June 12, 2007 for the subject project.

We recommend that you award the Contract to Asphalt Services, Inc. at their submitted lowest bid of \$35,651.50.

Also enclosed are the original bid packages received, these are for your files.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC


 Stephen G. Gibson
 Project Manager

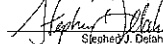
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THE CITY OF FAIRHOPE
 FAIRHOPE SOUTH BEACH PARK TRAIL EXTENSION
 RECREATIONAL TRAILS PROGRAM GRANT
 JUNE 12, 2007

| EMR | | Hutchinson, Moore & Rauch, LLC Engineers & Surveyors & Land Planners | | BIDDER #1 ASPHALT SERVICES, INC. | | BIDDER #2 BAY SOUTH, LTD. | | BIDDER #3 H.E. NEWELL, INC. | | BIDDER #4 PEAVY CONSTRUCTION CO. | |
|---------------------|---|---|-----|-------------------------------------|---------------------|------------------------------|---------------------|--------------------------------|---------------------|-------------------------------------|---------------------|
| ITEM# | DESCRIPTION | UNIT | QTY | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT |
| 1 | DEMOLITION AND REMOVAL (201-D) | LS | 1 | | 2,500.00 | | 3,000.00 | | 5,250.00 | | 4,000.00 |
| 2 | BORROW - SELECT FILL (CLEAN SAND) (210-S) | CY | 200 | \$ 9.75 | 1,950.00 | 30.00 | 6,000.00 | 19.50 | 3,900.00 | 20.00 | 4,000.00 |
| 3 | CLASS 2 RIPRAP (610-A) | SY | 45 | \$ 134.33 | 6,045.00 | 70.00 | 3,150.00 | 80.00 | 3,600.00 | 75.00 | 3,375.00 |
| 4 | FILTER CLOTH (610-D) | SY | 85 | \$ 3.50 | 297.50 | 8.00 | 680.00 | 3.00 | 255.00 | 6.00 | 510.00 |
| 5 | SIDEWALK (6" THICK) (618-A) | SY | 470 | \$ 49.70 | 23,369.00 | 55.00 | 25,850.00 | 67.00 | 31,490.00 | 75.00 | 35,250.00 |
| 6 | EROSION CONTROL (605-B-J) | LS | 1 | | 1,500.00 | | 4,000.00 | | 1,500.00 | | 2,000.00 |
| TOTAL AMOUNT | | | | | \$ 35,661.50 | | \$ 42,680.00 | | \$ 45,995.00 | | \$ 48,135.00 |

We hereby certify this to be a true and correct tabulation on the above named project.


 Stephen J. Delahunty, P.E.
 Project Manager
 Hutchinson, Moore & Rauch, LLC

NOTE: There was a bid error by the low bidder, Asphalt Services, Inc., which reduced pay item #3 by \$3,345.00. The Contractor claimed an error in the unit price and petitioned for an adjustment for the total amount as bid. Public Works agreed to allow the project total as bid.

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Councilmember Ford moved to accept the bid of Asphalt Services, Inc. Spanish Fort, Alabama, provided all specifications are met, for asphalt materials and services for South Beach Park Trail Extension. Seconded by Stankoski, motion passed unanimously by voice vote.

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TABULATION / RECOMMENDATIONIdentification: "CONCRETE UTILITY POLES"Bids opened on: July 26, 2007at: 2:00 p.m.

For: Utility Poles to be used at new Barnwell Sports Complex

| VENDOR: | PRICE EACH: | TOTAL PRICE: | DELIVERY TIME: |
|---|--|---------------------|-----------------------|
| UTILITY POWER Fairhope, AL | \$3,960.00 | \$11,800.00 | 5-Weeks |
| BROWN WOOD PRESERVING Pensacola, FL | <u>NO BID</u> Only Manufacture Wood Poles | | |
| THOMASSON LUMBER CO. Philadelphia, MS | <u>NO BID</u> Only Have access to Wood Poles | | |
| BALDWIN LIGHTING, INC. Bay Minette, AL | <u>NO BID</u> | | |
| LAMAR TREATED MATERIAL Hattiesburg, MS | <i>NO REPLY</i> | | |
| TREATED TIMBER PRODUCTS Pensacola, FL | <i>NO REPLY</i> | | |
| STALLWORTH TIMBER CO. Beatrice, AL | <i>NO REPLY</i> | | |
| HUGHES ELECTRICAL SUPPLY Dothan, AL | <i>NO REPLY</i> | | |

It is recommended to accept the bid from UTILITY POWER, Fairhope, AL. All specifications have been met.

Aaron Norris,
Electrical Superintendent

Wayne Smith,
Purchasing Agent

Councilmember Stankoski moved to accept the bid of Utility Power, Fairhope, Alabama, provided all specifications are met, for concrete utility poles at Barnwell Sports Complex. Seconded by Christenberry, motion passed unanimously by voice vote.

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

Councilmember Christenberry moved to here Councilmember Ford's concerns not on the printed agenda. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Ford addressed the City Council stating that there is a missed conception with regards to the committee appointed by Council President Gentle to look into separating the Mayor and Utility Superintendent. Council President Gentle was acting as a private citizen, and the City Council did not vote on this committee.

Therefore the committee appointed is not a city committee. This committee was not sanctioned by the City Council.

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Councilmember Christenberry stated that the City Council could fire the Mayor next week if wanted to. The decision to look into the duties of the Mayor and Utility Superintendent is a business decision. We are not out to get the Mayor, and we appreciate Mr. Zunk for volunteering to chair this committee.

Councilmember Ford stated that one of his fears is that the City Council will lose the utilities to a utility board, and he does not believe that this is good. Currently the City Council is the utility board.

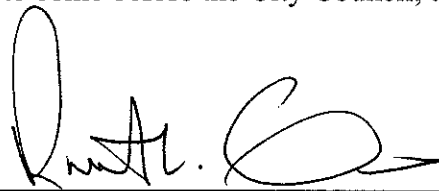
Councilmember Ford also stated that the Airport Authority is not going after the Navy to move N.A.S. Whiting Field, Silverhill, Alabama to Fairhope's airport. The Airport Authority is simply listening to a potential proposal from the Navy.

Councilmember Stankoski stated whether the committee was sanctioned or not the City Council wants to be legal, and the City Council has the right to listen to the committee. Councilmember Stankoski further stated that the committee is a good thing and there is not talk of a utility board at this time.

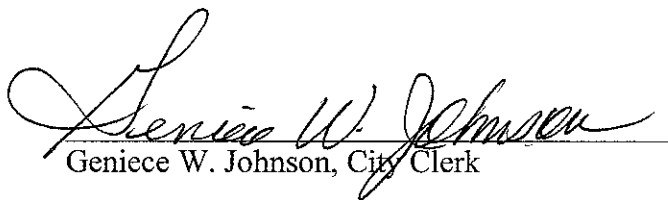
Councilmember Ford stated that his point was that this committee is not a city committee, not whether it is a legal committee of the City.

Council President Gentle stated that he never intended for an authority to be out there. This is about management. Today we compete with Spanish Fort Gas, Baldwin County Sewer Services, and it is time for us to be competitive. This committee is not about the Mayor. This committee is about the future. We are not trying to be political. We need to stay out of the committee's study, and let the committee collect the data and present to the City Council.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:26 p.m.



Robert C. Gentle, Council President



Geniece W. Johnson, City Clerk