

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, 26 March 2007.

Present were Council President Robert C. Gentle, Councilmembers: 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 Nancy Wilson, City Treasurer, gave the invocation. Councilmember Christenberry moved to approve minutes of the 14 March 2007, regular meeting. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Mayor's Comments and Staff Reports:

- Mayor Kant stated he would work with Mac Walcott with Walcott Adams Verneuille Architects to install a lightning protector at the new Fairhope Library. Recently the library was struck by lightning causing approximately \$150,000.00 in fire and water damage.
- Rose Forgarty, Finance Director, and Nancy Wilson City Treasurer gave a financial report PowerPoint presentation for the Month of February 2007. No City Council action was required nor taken.

26 March 2007

CITY OF FAIRHOPE
CITY COUNCIL MEETING
MARCH 26, 2007

SUMMARY
FINANCIAL REPORTS
FIVE MONTHS ENDED
2/28/2007

GENERAL FUND

	5 MONTHS ENDED 2/28/07	5 MONTHS ENDED 2/28/06	INCREASE (DECREASE)
REVENUES (INCLUDING UTILITY TRANSFERS)	9,394,528	8,043,820	1,350,708
EXPENSES	6,934,992	6,294,795	640,197
EXCESS REVENUE OVER (UNDER) EXPENSE	2,459,536		

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GAS FUND

	5 MONTHS ENDED 2/28/07	5 MONTHS ENDED 2/28/06	INCREASE (DECREASE)
REVENUES	3,782,779	4,042,840	(260,061)
COST OF ENERGY	2,137,356	2,914,424	(777,068)
EXPENSES - INCLUDING TRANSFERS	1,112,482	1,115,199	(2,717)
TOTAL COST/EXPENSE	3,249,838	4,029,623	
EARNINGS (LOSS)	532,941		

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ELECTRIC FUND

	5 MONTHS ENDED 2/28/07	5 MONTHS ENDED 2/28/06	INCREASE (DECREASE)
REVENUES	6,463,233	5,481,378	981,855
COST OF ENERGY	3,088,451	2,973,731	114,720
EXPENSES - INCLUDING TRANSFERS	2,101,276	1,925,435	175,841
TOTAL COST/EXPENSE	5,189,727	4,899,166	
EARNINGS (LOSS)	1,273,506		

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WATER/SEWER FUND

	5 MONTHS ENDED 2/28/07	5 MONTHS ENDED 2/28/06	INCREASE (DECREASE)
REVENUES	3,365,341	3,082,205	283,136
COST OF ENERGY	241,924	189,862	52,062
EXPENSES - INCLUDING TRANSFERS	2,778,553	2,529,844	248,709
TOTAL COST/EXPENSE	3,020,477	2,719,706	
EARNINGS (LOSS)	344,864		

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GOLF FUND

	5 MONTHS ENDED 2/28/07	5 MONTHS ENDED 2/28/06	INCREASE (DECREASE)
REVENUES	544,834	579,198	(34,364)
EXPENSES	595,093	587,915	7,178
EARNINGS (LOSS)	(50,259)		

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ALL FUNDS

	5 MONTHS ENDED 2/28/07	5 MONTHS ENDED 2/28/06	INCREASE (DECREASE)
REVENUES	23,550,715	21,229,441	2,321,274
EXPENSES	18,990,127	18,531,206	458,921
EXCESS REVENUE OVER (UNDER) EXPENSE	4,560,588		

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**CASH BALANCE COMPARISON
AT FEBRUARY 28, 2007**

	CURRENT 2/28/07	PRIOR MONTH 1/31/2007	PRIOR YEAR 2/28/06
GENERAL FUND	3,230,167	3,017,056	4,942,807
GAS FUND	931,077	982,971	256,384
ELECTRIC FUND	2,647,427	2,715,194	3,896,634
WATER FUND	4,398,458	4,144,488	4,478,514
GOLF FUND	138,483	108,060	339,729
GAS TAX FUND	293,078	286,467	264,336
CAPITAL PROJECTS (INCLUDES LIBRARY PROJECT ACCOUNT)	193,052	349,309	357,338
TOTAL - ALL FUNDS	11,831,742	11,603,545	14,535,742
SINKING FUNDS	1,668,964	1,556,731	1,662,120
WARRANT FUNDS	670,246	666,735	1,162,098
BALANCES EXCLUDING SINKING AND WARRANT FUNDS	9,492,532	9,380,079	11,711,524

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Charlie Bassett, Chairperson of the Fairhope Economic & Industrial Development Board addressed the City Council to honor the late Evan Lonnie Pardue a former member of the FE&IDB. The following was read by Robert Clark and presented by Mayor Kant to the family of Mr. Pardue.

RESOLUTION
EVAN LONNIE PARDUE

WHEREAS, The Economic and Industrial Development Board of the City of Fairhope, Alabama wishes to express gratitude for the life and contributions of Evan Lonnie Pardue, known as “Lonnie”, as a Board Member; and

WHEREAS, Lonnie was born in Birmingham, Alabama on October 8, 1931. He was married to Sara June Williams for 54 enjoyable years and was a devoted family man with two children: Lynne (a graduate of Auburn University) and David (a graduate of Tulane and Yale Law School); and

WHEREAS, after Lonnie graduated from Auburn University in 1953 with a business degree he began a career in finance and banking that spanned over 50 years. Following an active community life in Panama City, Florida, Lonnie joined what later became Southtrust Bank. His career culminated with 21 years at SouthTrust Bank of Baldwin County, where he was named Executive Vice President in 1989. He taught lending and banking at Faulkner Community College and was named Outstanding Instructor in 1990; and

WHEREAS, Lonnie loved banking and loved business. His goal in business was simple: He wanted to help people. His word was his bond; and

WHEREAS, Lonnie also loved community and he held an appreciation for the “investments” needed there, too, which were demonstrated by his being heavily involved in youth sports and later by being involved in the Fairhope Cat Coalition. His goal in community was simple, too: He wanted to help people; and

WHEREAS, upon his 1989 appointment Lonnie brought his life experiences, his technical and intellectual gifts, his unerring common sense and uncanny intuition, and his love of community to the FE&IDB, all of which guided his review and actions on issues that were important to quality growth and quality jobs for his community; and

WHEREAS, Lonnie was a key Board member who analyzed lending alternatives, bond concerns, and related matters, with the final question of the Board inevitably: “Has this matter been reviewed by Lonnie and the Board and does Lonnie approve this?”

WHEREAS, Lonnie was a great communicator and great equalizer of sometimes conflicting points of view. He could gently cut to the common denominator of the issue of dispute, frequently aiding in resolution; and

WHEREAS, Lonnie was like a father in deliberations, like a prophet in estimations and predictions, and much like a cheerleader when a business prospect was the right, quality fit for Fairhope’s future; and

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WHEREAS, Evan Lonnie Pardue, passed away on September 28, 2006 at the age of 74;

WHEREAS, The accomplishments of Lonnie Pardue throughout his life tell only a part of the story of who he was and what he meant to friends, family and community. He was a true gentleman, gracious, considerate and kind-hearted. Although Lonnie's post on the Board may be filled, his role may not soon be duplicated.

NOW THEREFORE, BE IT UNANIMOUSLY RESOLVED:

THAT the memory of Evan Lonnie Pardue and the many contributions to his community through the Economic and Industrial Development Board of the City of Fairhope, Alabama be memorialized by the passage of this Unanimous Resolution, at a meeting convened in City of Fairhope, and that a copy of this Unanimous Resolution be spread upon the permanent Minutes of the Board, a copy presented to Lonnie's wife Sara June Williams Pardue, and, a copy presented to the Mayor and City Council of the City of Fairhope, Alabama.

DONE this the 15th day of February, 2007.

Charles E. Bassett, Chair

Robert A. Clark, Vice-Chair

Gary A. Moore, Sec-Treasurer

Louis E. Mapp, Member

William H. Payne, Member

Russell E. Winfree, Member

Nancy Raia and Ricky Troine addressed the City Council and presented each member of the dais with a painting. Ms. Raia and Mr. Troine also presented Mayor Kant with a painting entitled BLB (Blind Leading the Blind). As a surprise, Mayor Kant presented Mr. Troine with the following proclamation.

PROCLAMATION

RICKY TRIONE DAY

WHEREAS, RICKY TRIONE, A FAIRHOPE NATIVE AND A NOTED AMBASSADOR OF THE EASTERN SHORE ART CENTER, WILL CELEBRATE HIS 50TH BIRTHDAY ON MARCH 31, 2007; AND WE WISH TO PUBLICLY RECOGNIZE RICKY ON THIS AUSPICIOUS OCCASION; AND

WHEREAS, RICKY, THOUGH BLIND SINCE 2000, HAS FOUND A WAY TO EXPRESS JOY THROUGH HIS ART INSPIRING SCHOOL CHILDREN THROUGH FIELD TRIPS AND PROGRAMS AT THE EASTERN SHORE ART CENTER, TEACHES THAT YOU CAN OVERCOME AFFLICTION; ART IS IN YOUR HEART; AND HIS DEMONSTRATIONS

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FURTHER TEACH CHARACTER EDUCATION, TEAM WORK, VISUAL VOCABULARY AND TACTILE SENSORY WORK; AND

WHEREAS, NOTABLY, RICKY HAS BEEN CHOSEN AS THE POSTER ARTIST FOR THE EARTH FEST 2007 CELEBRATION, A FIVE RIVERS DELTA CELEBRATION, WHICH IS A HUGE HONOR.

NOW THEREFORE, I, TIMOTHY M. KANT, AS MAYOR OF THE CITY OF FAIRHOPE IN HIS HONOR DO HEREBY PROCLAIM MARCH 31, 2007, AS **RICKY TRIONE DAY** IN FAIRHOPE AND EXTEND OUR SINCERE APPRECIATION TO HIM FOR CONTINUING TO SHARE HIS TALENT; TEACHING OUR CHILDREN YOU CAN SUCCEED THROUGH ADVERSITY AND BEING AN INSPIRATION TO US ALL.

Council President Gentle recognized Boy Scout Bill Anderson. Mr. Anderson a member of Troop 47 is working on his Citizenship and Community Badge.

Councilmember Ford introduced in writing Ordinance No. 1330, an ordinance amending Ordinance No. 1225, Council Procedures. 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 Quinn then moved for final adoption of Ordinance No. 1330. Seconded by Councilmember Stankoski, motion for final adoption passed unanimously by the following vote: AYE-Quinn, Stankoski, Christenberry, Ford, and Gentle. NAY-none.

Councilmember Christenberry introduced in writing, and moved for the adoption of the following resolution, a resolution requesting the Alabama State Legislature to ban gill net fishing in the Coastal waters of Alabama. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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RESOLUTION NO. 1365-07

**A RESOLUTION OF THE CITY OF FAIRHOPE REQUESTING THE
ALABAMA STATE LEGISLATURE TO BAN GILL NET FISHING IN THE
COASTAL WATERS OF ALABAMA.**

WHEREAS, surf and inshore fishing is a major attraction and significant economic resource in the City of Fairhope and other county municipalities, as well as a significant source of income for local residents; and,

WHEREAS, the City of Fairhope is committed to ensuring a quality gulf and estuarine recreational fishery; and,

WHEREAS, the gill netting as a practice is indiscriminate and impacts non-targeted finfish species; and,

WHEREAS, proper, species-specific management would allow certain species (particularly those species of interest of surf and inshore fisherman) to maintain healthy levels throughout the spring, summer and fall fishing seasons; and,

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Fairhope hereby urges the Alabama State Legislature to adopt legislation to ban gill net fishing in Alabama's coastal waters.

Adopted this 26th day of March, 2007.

Timothy M. Kant, Mayor

Attest:

Geniece W. Johnson, City Clerk

I, Geniece W. Johnson, duly appointed City Clerk of the City of the City of Fairhope, Alabama, do hereby certify that the attached Resolution No. 165-07 is a true and accurate copy of a resolution approved and passed by the Governing Body of the City of Fairhope at the regular City Council meeting on March 26, 2007.

City Seal

Geniece W. Johnson, City Clerk
Custodian of Records

Date

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Laura Sharpless President of Falls Creek Property Owners Association addressed the City Council requesting a traffic study to have additional stop signs installed, as well as lowering the speed limit to 15 mph and putting up son “Children at Play” signs. Ms. Sharpless’ request was turned over to the Street Committee where Councilmember Stankoski is the Chair.

Darrellyn Bender President/CEO of the Eastern Shore Chamber of Commerce addressed the City Council requesting permission to block streets for their annual Arts and Crafts Festival on March 14, 15, and 16, 2008. Ms. Bender also presented the City with the 55th Anniversary Poster. Councilmember Quinn moved to grant the request and for the Chamber to work with Mayor Kant and City Council President Gentle to resolve the issues with the Eastern Shore Art Center. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

TABULATION & RECOMMENDATION

Identification: “WALKING TRACK”

Bids open on: March 7, 2007

at: 10:00 a.m.

Bid is for the construction of a Walking Track located at the new Tennis Complex at Stimpson Field.

VENDOR:	TOTAL JOB EXCLUDING ASPHALT:	TOTAL JOB INCLUDING ASPHALT:	COMPLETION TIME IN DAYS:
AMMONS & BLACKMON CONTRACTING, Spanish Fort, AL	\$23,219.00	\$31,093.00	10-Days
BALDWIN ROAD BUILDERS, INC., Silverhill, AL	\$25,700.00	\$32,500.00	21-Days
MOBILE ASPHALT, Mobile, AL	<i>NO RESPONSE</i>		

It is recommended to accept the low bid of **AMMONS & BLACKMON CONTRACTING, Spanish Fort, AL** with all specifications being met.

Eddie Boyett,
Recreation Dept. Supt.

Wayne Smith,
Purchasing Agent

Councilmember Ford moved to accept the low bid of Ammons & Blacksmo Contracting, Spanish Fort, Alabama, including Asphalt, provided all specifications are met. This bid is for the construction of a Walking Track located at the new Tennis Complex at Stimpson Field. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote. This project will be funded by the 2007 GOW Bond Issue.

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TABULATION & RECOMMENDATION**Identification:** "INSTALLATION OF METERING EQUIPMENT"Bids open on: **March 7, 2007**at: **2:00** a.m.***Installation of AMR Devices for Water and Gas Meters***

VENDOR:	COMPLETE METER INSTALLATION – PRICE / AVERAGE INSTALLATION PER MONTH:	REGISTER ONLY AND ERTS – PRICE / AVERAGE INSTALLATION PER MONTH:	GAS ERT – PRICE / AVERAGE INSTALLATION PER MONTH:	DATE YOU CAN BEGIN:	AVERAGE NO. OF SERVICES PER MONTH:
NATIONAL METERING SERVICE Kearney, NJ	\$31.50 ea. 600 per mo.	\$23.75 ea. 1,200 per mo.	\$22.00 ea. 600 per mo.	April 30, 2007	2000 with 5-Installers
BOYINGTON PIPELINE Stockton, AL	\$44.00 ea 800 per mo.	\$35.00 ea. 1,000 per mo.	\$35.00 ea. 1,000 per mo.	March 19, 2007	800-1,000 per mo.
BUSSMAN CONSTRUCTION Hanceville, AL	\$45.00 ea. 1,000 per mo.	\$25.00 ea. 1,000 per mo.	\$25.00 ea. 1,000 per mo.	April 1, 2007	1,000-2,000 per mo.
SOUTHEASTERN METER Robertsdale, AL	\$46.66 ea. 500 per mo.	\$26.75 ea. 500 per mo.	\$18.75 1,000 per mo.	April 1, 2007	1,000 Water 1,000 Gas
UPA UTILITY PARTNERS OF AMERICA Greenville, SC	\$52.00 ea. 360 per mo.	\$32.00 ea. 700 per Installer	\$31.00 ea. 600 per Installer	April 30, 2007	2,000 with 5-Installers

It is recommended to accept the low bid from **NATIONAL METERING SERVICE, Kearney, NJ** with all specifications being met.

Dan McCrory,
Water & Sewer Supt.

Steve Seay,
Gas Supt.

Wayne Smith,
Purchasing Agent

Councilmember Quinn moved to accept the low bid of National Metering Service, Kearney, NJ, provided all specifications are met. This bid is for the installation of AMR devices for Water and Gas Meters. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote. (Replacing bid of February 12, 2007)

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TABULATION**Identification:** "TRACTOR – GAS DEPT."Bids open on: **Dec. 28, 2006**at: **10:00 a.m.***Tractor to be used by Fairhope Gas Utilities*

VENDOR:	MANUFACTURER:	BASE PRICE:	TRAILER:	TOTAL PRICE:	DELIVERY:
*Ditch Witch of Alabama Theodore, AL	Ditch Witch Model: RT40	\$43,747.05	\$3,500.00	\$47,247.05	30-45 Days
**Vermeer of Alabama Pensacola, FL	Vermeer Model: RT450 Rear Steer Axle: \$5,485.00	\$40,135.00	\$5,193.00	\$50,813.00	7-60 Days
Thompson Tractor Co. Spanish Fort, AL	NO BID				

It is recommended to accept the (*low*) bid from Ditch Witch , Theodore, Alabama. All specifications have been met.

Steve Seay,
Fairhope Gas Utilities

Wayne Smith,
Purchasing Agent

Bids were also sent to the following vendors with no response:

Beard Equipment, Pensacola, FL
Toomey Equipment, Theodore, AL
Baldwin Tractor & Equipment, Robertsedale

*Note:

Specifications for **Ditch Witch** were not met on the following items:

- Operating height of the RT40 is 86-inches
- Four wheel steer outside circle is 21.5-feet
- The RT40 does not have a blade steer on the plow attachment

**Note:

Specifications for **Vermeer** were not met on the following items:

- Engine has 50 hp (exceeds specifications by 8-hp)
- Outside turning ratio is 12.75-foot with rear steering 9.5-foot
- Brakes are of a wet style multiple disc. Enclosed housing
- Vermeer does not have a steerable blade. Their blade is "spring loaded" so it will give in tight turning conditions, according to Vermeer.
- Trailer is 5-ton 16' 8-ply radials with electric brakes
- 29 x 12.50-15 tires are not available

Councilmember Christenberry moved to accept the low bid of Ditch Witch of Theodore, Alabama, provided all specifications are met. This bid is for a tractor to be used by Fairhope Gas Utilities. Seconded by Councilmember Quinn, motion passed unanimously by voice vote

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

City Council reviewed an application for a Restaurant Liquor License by Pamela Valenti, dba Valenti's, located at 61 North Section Street, Fairhope, Alabama. Councilmember Christenberry moved to approve the issuance of the license. Seconded by Councilmember Quinn, motion passed unanimously.

Council President Gentle read the following memorandum from the City Attorney Mr. Wynne to enter into an Executive Session for approximately 15 minutes:

The "pending Litigation" exception is applicable to the discussion proposed for this Executive Session. See Ala. Code Section 36-25A-7 (a)(3). Councilmember Stankoski moved to go in to executive Session. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

At 6:11 p.m. Mayor Kant, all Councilmembers and the City Attorney exited the dais.

At 6:32 p.m. Mayor Kant, all Councilmembers and the City Attorney returned to the dais.

There being no further business to come before the City Council the meeting was duly adjourned at 6:32 p.m.

Robert C. Gentle, Council President

Geniece W. Johnson, City Clerk