

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 November 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 Councilmember Stankoski gave the invocation. Councilmember Quinn moved to approve minutes of the November 8, 2007, regular meeting. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Mayor's Comments and Staff Reports:

- Councilmember Ford congratulated Councilmember Quinn for being on the National Convention Committee.
- Mayor Kant gave an update of all the injured Firemen.
- Sherry Sullivan presented a PowerPoint Presentation on the activities of the James P. Nix Activity Center.

Mayor Timothy M. Kant presented the following Proclamation proclaiming the Month of December National Animal Shelter Month. Barry Roberts, President of the Haven Board addressed the City Council stating that the Haven has the best adoption services.

**THE HAVEN'S  
HOME FOR THE HOLIDAYS CAMPAIGN**

**WHEREAS, NATIONAL ANIMAL SHELTER APPRECIATION WEEK WAS CELEBRATED THE FIRST WEEK IN NOVEMBER; AND**

**WHEREAS, THE HAVEN PROVIDES A WONDERFUL SERVICE TO THE CITIZENS IN CARING FOR AN UNWANTED PET POPULATION IN FAIRHOPE AND THE OUTLYING AREAS AND HAS ESTABLISHED A PROGRAM THAT BRINGS AWARENESS TO THE FAIRHOPE CITIZENS THROUGH THEIR FUNDRAISING AND PET ADOPTION DAYS HELD THROUGHOUT THE YEAR.**

**NOW THEREFORE, I, TIMOTHY M. KANT, AS MAYOR DO RECOGNIZE BY THIS PROCLAMATION THE SERVICE BEING DONE BY THE STAFF, THE MANY VOLUNTEERS, AND LOCAL VETERINARIANS, AND EXPRESS OUR SINCERE APPRECIATION TO THEM FOR FILLING THIS MOST IMPORTANT NEED IN OUR COMMUNITY.**

26 November 2007

Mayor Kant recognized Harold Jording. Mr. Jording is retiring from the Welcome Center. Mr. Jording is 93 years old, and has been helping at the Welcome Center since the first week that it opened.

Mr. Lyle Stephens has submitted a written request to pull the Public Hearing on a Lounge Liquor License by Lyle Stephens, d/b/a 32 Degrees, located at 329 South Greeno Road, Suite E and F, Fairhope, Alabama. No Public Hearing will be held at this time.

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution as long as this is not going to cost the City any money now nor in the future. This is a resolution consenting to the formation of Fairhope Falls Improvement Districts under Chapter 99A of Title 11 of the Code of Alabama 1975. Seconded by Councilmember Christenberry, motion passed by the following voice votes: AYE- Stankoski, Christenberry, Ford, and Gentle. NAY- None. ABSTAIN- Quinn. Councilmember Quinn exited the dais at 7:00 p.m. and returned once the vote was taken.

**RESOLUTION NO. 1432-07**

**A RESOLUTION CONSENTING TO THE FORMATION OF FAIRHOPE FALLS IMPROVEMENT DISTRICTS UNDER CHAPTER 99A OF TITLE 11 OF THE CODE OF ALABAMA 1975**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA (the "City"), as follows:

- Section 1. Upon evidence duly presented to and considered by it, the City has found and determined, and does find, determine and declare as follows:
- (a) Fairhope Falls, LLC, owns certain real property in Baldwin County, Alabama ("Baldwin County") outside the corporate limits of the City.
  - (b)
    - (i) Fairhope Falls, LLC has petitioned Baldwin County to form six contiguous improvement districts (collectively the "District") under Chapter 99A of Title 11 of the Code of Alabama 1975 (the "Enabling Law") with respect to such real property.
    - (ii) For the information of the City for purposes of this resolution, a true and correct copy of each petition with respect to the District which Fairhope Falls, LLC will submit to Baldwin County is attached hereto
  - (c) In that the real property proposed to be included within the District is within the territorial jurisdiction of the City over the subdivision of land under Section 11-52-30(a) of the Code of Alabama 1975, the consent of the City is required under Section 11-99A-4(b) of the Code of Alabama 1975 to the formation of the District.

26 November 2007

- (d) The formation of the District:
  - (i) will not create or result in, or authorize any person to create, any abatement or exemption of any tax levied by, or for the benefit of, the City;
  - (ii) will not create or result in, or authorize any person to create, any obligation (whether direct, indirect or contingent) of the City;
  - (iii) will not affect, impair, or restrict, in any manner, the exercise of any power or authority of the City under the laws of the State of Alabama (including without limitation Section 11-52-30(a)).
- (e) Under the Enabling Law, the District will have no authority or power to create any obligation (direct, indirect or contingent) of the City.

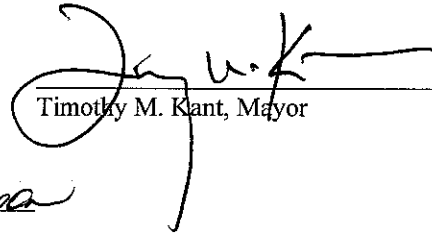
Section 2. On the basis of the representations set forth in Section 1, and solely for the purposes of Section 11-99A-4(b) of the Enabling Law, the City does hereby consent to the formation of the District. The consent of the City provided hereby is not an approval of the formation of the District under Section 11-99A-4(f) of the Enabling Law.

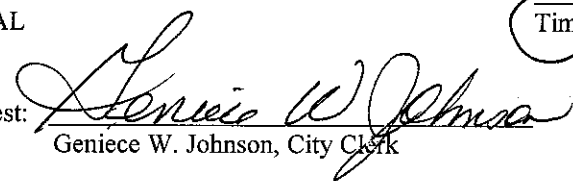
Section 3. The officers of the City are hereby authorized and directed to execute and deliver such other certificates, documents and notices, and take such actions, as shall be necessary or desirable to effect the transactions referenced herein.

Section 4. This resolution shall take effect immediately.

Duly approved and adopted this 26th day of November, 2007.

SEAL

  
 \_\_\_\_\_  
 Timothy M. Kant, Mayor

Attest:   
 Geniece W. Johnson, City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution accepting all of Fairhope's public utilities within Cedar Groves Estates Subdivision. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

26 November 2007

**RESOLUTION NO. 1433-07**

**WHEREAS**, the Owners of Cedar Grove Estates desire to have all public utilities dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2365E, located in public right-of-ways accepted for maintenance by the City of Fairhope, Alabama, and;

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

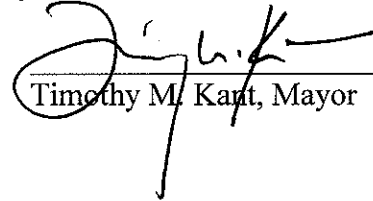
**WHEREAS**, the Water Superintendent has indicated that the improvements meet City requirements, and;

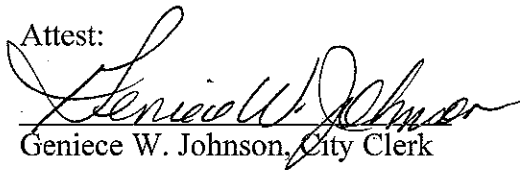
**WHEREAS**, the City of Fairhope, Alabama, is not and in no manner will be responsible for the maintenance of common areas in the subdivision as indicated on the recorded plat, and;

**WHEREAS**, the City of Fairhope, Alabama, has received from the owners of Cedar Grove Estates maintenance bonds for the public utilities constructed for a period of 2 years, and;

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA** that the public utilities indicated herein for Cedar Grove Estates are hereby accepted for public maintenance subject to the bond posted.

Adopted, this 26th day of November, 2007.

  
 Timothy M. Kant, Mayor

Attest:  
  
 Geniece W. Johnson, City Clerk

Charlie Bassett, Vice President of the Airport Authority, explained that the Festival of Flights will take place on May 17, 2008, and would only be a one day event. Mayor Kant explained that the Airport Authority expressed that they would not be having a Festival of Flight in 2008; therefore, this event was not budgeted. Last year this event was funded by the Airport Authority's appropriation monies. Mayor Kant also expressed that since the Council voted not to increase the budget the decision of how to fund this event will have to be decided on if the Council grants the request.

26 November 2007

Councilmember Quinn moved to grant the request of the Fairhope Airport Authority requesting \$51,000.00 and an in-kind services appropriation from the City of Fairhope for the Fairhope Festival of Flight 2008, and the decision of how to fund this event will be decided on at a later date. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Councilmember Stankoski moved to authorize the sale of Surplus Property and the disposal of any item not sold in the proper manner. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

#### TABULATION & RECOMMENDATION

Identification: **"TENTS - NEW YEARS EVE"**

Bids opened on: **November 02, 2007** at: **10:00 a.m.**

*Tent Rentals and other equipment for New Years Eve Celebration – Downtown Fairhope.*

VENDOR:	QTY:	ITEM:	RENTAL PRICE EA.	SET-UP PRICE:	TOTAL OF RENTAL & SET-UP	TOTAL PRICE:
Blue Rents, Inc. Mobile, AL	25 -	20' x 20' Tent with Sides	\$190.00	\$40.00	\$230.00	\$7655.00
			\$100.00	\$40.00	\$140.00	
	4 -	10' x 10' Tent with Sides	\$60.00	-0-	\$60.00	
			\$145.00	\$40.00	\$185.00	
	27 -	Tent Heaters				
Port City Rentals, Inc. Mobile, AL	25 -	20' x 20' Tent with Sides	NO RESPONSE	NO RESPONSE	NO RESPONSE	NO RESPONSE
	4 -	10' x 10' Tent with Sides	NO RESPONSE			
	24 -	Tent Heaters				
Miller's Grand Events Fairhope, AL	25 -	20' x 20' Tent with Sides	\$275.00	\$75.00	\$350.00	\$10,125.00
			\$10.00	\$25.00	\$125.00	
	4 -	10' x 10' Tent with Sides	\$50.00	-0-	\$50.00	
			\$185.00	\$50.00	\$235.00	
	24 -	Tent Heaters				

Recommendation: To accept the low bid of **Blue Rents, Inc.**, Mobile, Alabama, for the total price of **\$7,655.00**. All specifications have been met.

Sherry Sullivan,  
Event Coordinator

Daniel P. Ames,  
Purchasing Manager

Councilmember Ford moved to accept the low bid of Blue Rents, Inc., Mobile, Alabama, provided all specifications are met, for the rental of Tents for New Year's Eve Celebration - \$7,655.00. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote. This purchase will be funded by the Electric, Gas and Water/Sewer Departments.

26 November 2007

**TABULATION / RECOMMENDATION****Identification:** "BACK DOOR GARBAGE BODY"

NOTE: RECONFIRMED AVAILABILITY AND PRICE 11-14-07.

Bids open on: **May 17, 2007**at: **10:30 a.m.**

**Back Door Garbage Body to be used for garbage pick-up at residence within the city.  
The Truck Frame is on the State of Alabama Bid Contract.**

<b>VENDOR:</b>	<b>MANUFACTURER:</b>	<b>MODEL:</b>	<b>TOTAL BID:</b>	<b>DELIVERY TIME:</b>
TRUCK EQUIPMENT SALES Mobile, AL	New Way	Diamond Back 8HC	\$34,838.00	60-90 Days
SANSOM EQUIPMENT CO. Birmingham, AL	NO BID			
INGRAM EQUIPMENT CO. Pelham, AL	NO BID			
GULF CITY BODY & TRAILER WORKS Mobile, AL	NO RESPONSE			

It is recommended to accept the bid from **TRUCK EQUIPMENT SALES, Mobile, AL**. All specifications have been met. See attached letter from Jennifer Fidler.

Jennifer Fidler,  
Public Works Director

Wayne Smith,  
Purchasing Agent

Councilmember Christenberry moved to accept the low bid of Truck Equipment Sales, Mobile, Alabama, provided all specifications are met, for the purchase of a Back Door Garbage Truck for the Sanitation Department in the amount of \$34,838.00. This is only the body of the truck. Seconded by Councilmember Ford, motion passed unanimously by voice vote. This purchase will be funded by General Fund.

Councilmember Quinn moved to reject Bid/Contract by James Bros. Excavating, Inc. for the Water/Sewer Department for the Aeration Tank Cleaning for Waste Water Treatment Plant due to the scope and required specifications of the project are much larger and quite different than originally advertised. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Councilmember Ford moved to approve the Emergency Repairs by the Water/Sewer Department for the Waste Water Treatment Plant repairs on the Aeration Tank, in the amount not to exceed \$31,896.71. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote. This purchase will be funded by Water/Sewer Fund.

26 November 2007

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

Councilmember Ford moved to accept the state bid for the Chassis of the Back Door Garbage Truck. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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

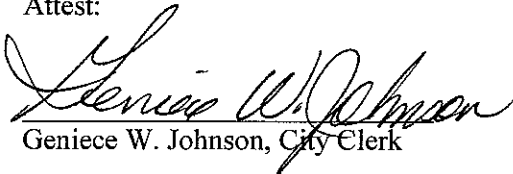
Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing a letter of support for a trail/sidewalk down Booth/Bishop Road from Nichols to Twin Beech aka the Safe Routes to School grant. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

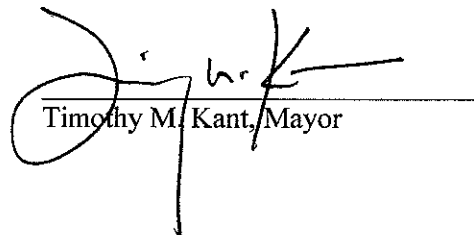
**RESOLUTION NO. 1434-07**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Timothy M. Kant is hereby authorized to write a letter to Robert Jilla with the Alabama Department of Transportation, Bureau of Modal Programs, informing them that the Fairhope City Council supports the grant for a trail/sidewalk down Booth/Bishop Road from Nichols to Twin Beech a/k/a the Safe Routes to School grant.

Adopted this 26th day of November, 2007.

Attest:

  
Geniece W. Johnson, City Clerk

  
Timothy M. Kant, Mayor

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

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution accepting the public streets, public right-of-way, and all of Fairhope's public utilities within North Village At Stone Creek Subdivision for maintenance. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

26 November 2007

**RESOLUTION NO. 1435-07**

**WHEREAS**, the Owners of North Village At Stone Creek desire to have all public streets and public right-of-ways dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2369-B, 2369-C and all Fairhope public utilities located in public right-of-ways accepted for maintenance by the City of Fairhope, Alabama, and;

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

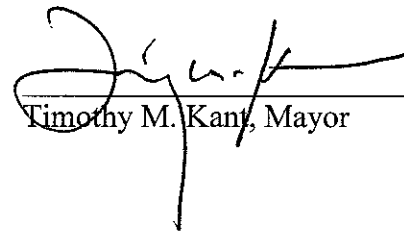
**WHEREAS**, the Public Works Director has indicated that the improvements meet City requirements, and;

**WHEREAS**, the City of Fairhope, Alabama, is not and in no manner will be responsible for the maintenance of common areas in the subdivision as indicated on the recorded plat, and;

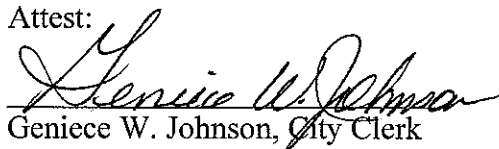
**WHEREAS**, the City of Fairhope, Alabama, has received from the owners of North Village At Stone Creek maintenance bonds for the public improvements constructed for a period of 2 years, and;

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA** that the public improvements indicated herein for North Village At Stone Creek are hereby accepted for public maintenance subject to the bond posted.

Adopted, this 26th day of November, 2007

  
\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:

  
\_\_\_\_\_  
Geniece W. Johnson, City Clerk

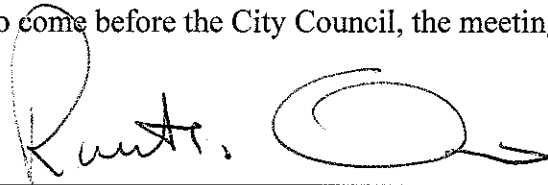


26 November 2007

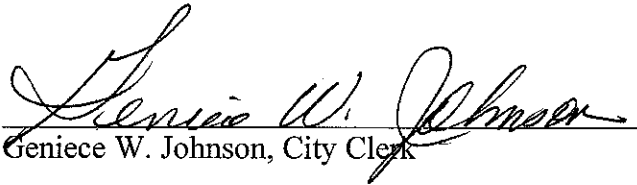
Councilmember Christenberry moved to address the following item **not** on the printed agenda. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

The City Council reviewed an application for a Restaurant Liquor License by Leodis Mitchell, dba Mitchell's Snack Bar, located at 307 Young Street, Fairhope, Alabama. This item was tabled at the September 24, 2007 Regular City Council meeting. Councilmember moved to untable this item. Seconded by Councilmember Quinn, motion passed unanimously by voice vote. Councilmember Christenberry then moved to approve the issuance of the license. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:35p.m.



Robert C. Gentle, Council President

  
Geniece W. Johnson, City Clerk