

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, 11 August 2008.

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 Lisa A. Hanks.

There being a quorum present, Council President Gentle called the meeting to order. The invocation was given by Associate Pastor Jeff Ingram, of First Baptist Church, and the Pledge of Allegiance was recited. Councilmember Quinn moved to approve minutes of the July 28, 2008, regular meeting. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Sherry Sullivan made the following announcement:

- LifeSouth Community Blood Services will host a community-wide blood drive at the Nix Center on Thursday, August 28th from 10:00 a.m. to 6:00 p.m. LifeSouth is the primary blood supplier for Thomas Hospital and Infirmary Health Systems.

Mayor's Comments and Staff Reports:

- Police Chief Michael Comalander addressed the City Council regarding the parking issues of downtown Fairhope. He said until the parking garage at the new hotel is complete, we will continue to have a shortage of parking places. We have been using common sense with the two-hour parking, marking tires and checking after the two-hour period is up, and began writing tickets for violators. The downtown merchants' response toward the police efforts is about fifty for and fifty against (50/50). Some merchants want the police downtown and some don't. We need guidance from the City Council.

Chief Comalander said Officer Heidi Loftis marks the tires every two hours and she is always downtown. We are writing more tickets than usual and people are complaining. Merchants are angry and feel we may be running off customers. Councilmember Stankoski asked in a month's time, how many tickets have been written. Chief Comalander replied that forty percent (40%) are business owners and employees. Councilmember Stankoski asked how many tickets. Chief Comalander replied in three months we have written over 100 tickets.

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Councilmember Quinn stated this is a dilemma; it is not customers of businesses, but other individuals. Councilmember Christenberry told Chief Comalander that he was putting the City Council in a bad situation as to whether or not enforce the city ordinance. We all support the downtown businesses. Council President Gentle asked Chief Comalander; "What do you want to do?" Chief Comalander responded; mark tires and give them warnings. Councilmember Quinn said the merchants need to help us with this issue.

Mayor Kant said we tried to get it under control while school was out. The main ones are the forty percent (40%) who need to park somewhere else. He said, "Main Street is the issue." Councilmember Stankoski asked; "Can we suspend the tickets and get with the downtown merchants? Do what you need to do." Council President Gentle suggested writing warning tickets. City Attorney Wynne stated to the City Council that we cannot selectively enforce the ordinance. However, we could do a moratorium. We could issue a warning for the first offense and then a ticket thereafter. Councilmember Ford said to place a moratorium on the ordinance.

Chief Comalander stated that he had six officers at the new middle school to help with traffic. He said there are always problems the first week of school with traffic and the rain did not help. Councilmember Quinn said she called the Planning Department a few weeks ago because there are no sidewalks, the detention pond is in the way for sidewalks, and this is a major traffic issue.

Council President Gentle said there are citizens here tonight regarding the traffic issues and are allowed to speak at this time. Doug Lamplugh, 216 Heather Lane in Southland Place, addressed the City Council regarding the situation at the new school. Mr. Lamplugh said he was dumbfounded a school was to be built on Manley Road. When trying to reach Gregg Mims, Planning Director, he hit brick walls. Mr. Lamplugh asked; "Doesn't the City have a say so. This is not just the school. Manley Road is the issue." In the mornings, you drop off your kid(s) and in the afternoon you have to find your kid(s). The traffic wrapped around down Highway 13 and the last car left after an hour. This is an after-the-fact plan, but these traffic issues need to be fixed. Mr. Lamplugh mentioned there are cars cutting through subdivisions. He said this is a late stage of planning and if we add sidewalks or widen the road, the City of Fairhope may pay millions to correct the problems.

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Chief Comalander said the first week is real bad, but this one there is no real solution at this time. Mr. Lamplugh stated there was a minimum of 250 cars on Manley Road. Mayor Kant said traffic has always been a school issue. The elementary school has the same problem. The State of Alabama owns the property and they do not have to abide by all planning and zoning rules and/or codes. Mayor Kant stated he suggested a sidewalk between the schools down Southland, but the schools did not want one yet. The schools also did not want high school and middle school students together.

Chief Comalander stated he had met with the school personnel and would be meeting again this week to discuss the traffic problems. Councilmember Stankoski asked if the Sheriff Department could help. Chief Comalander said citizens are used to going one way and won't change. Mayor Kant reiterated that they would be meeting with the Baldwin County School Board to discuss the problems. Council President Gentle stated to Mr. Lamplugh, "We are aware of it and please be patient with us."

- Jennifer Fidler, Public Works Director, addressed the City Council and introduced Michelle Cole, Tree City USA Coordinator. Ms. Cole mentioned that the City of Fairhope has been with Tree City USA for twenty-four years. Ms. Fidler presented Tom Ellis a plaque for the 2008 Volunteer of the Year awarded by the Alabama Cooperative Extension System in recognition of outstanding accomplishment and valuable contributions to the Alabama Urban and Community Forestry Program. Ms. Fidler mentioned that Mr. Ellis' professional career was in forestry. The City of Fairhope had over one hundred centennial trees donated and planted; and Mr. Ellis helped with each one. He is also the President of Fairhope's Tree Committee.
- Councilmember Stankoski addressed the City Council and requested the Planning Department to look at storm water management. He stated that the City of Fairhope should take the lead with storm water management with ground disturbance, enforcement, and remediation. Councilmember Quinn mentioned there is an ordinance placing a moratorium on wetlands regarding ground disturbance permits. She also mentioned the need to look at our Red Clay Ordinance.
- Councilmember Quinn addressed the City Council and gave an update on the guardrail at Magnolia Beach. The City is going to repair the guardrail and at a later date look at replacement.

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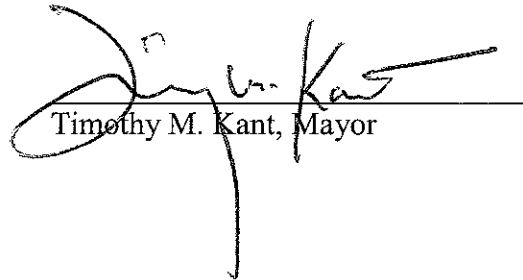
Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to execute an agreement between BellSouth Telecommunications, Inc., d/b/a AT&T Alabama and the City of Fairhope. Bryan Thames, Attorney from Hand Arendall, LLC, updated the City Council on the AT&T agreement which will be a five-year term, expiring in 2013. AT&T will apply to all rules and ordinances of the City of Fairhope.

Mr. Thames said; "It appears to be good for the City and will generate revenue once it is in place." After further discussion the motion for seconded by Councilmember Christenberry, motion passed unanimously by voice vote. City Attorney Wynne stated that this was a type of franchise agreement and required an ordinance. We will have one prepared for the next City Council meeting.


**RESOLUTION NO. 1455-08**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Timothy M. Kant is authorized to execute an agreement between The City of Fairhope and BellSouth Telecommunications, Inc., d/b/a AT&T Alabama to provide an integrated Internet Protocol ("IP") enabled broadband platform of voice, data and video services ("IP Network"), the video component of which AT&T Alabama asserts is a switched, two-way, point-to-point and interactive service ("IP Video Service").

Adopted on this 11th day of August, 2008

  
 Timothy M. Kant, Mayor

Attest:

  
 Lisa A. Hanks, City Clerk

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to accept the FAA Grant for construction of hangar access taxiways, Phase 2; install Automated Weather Observation System, Phase 2 at the H. L. "Sonny" Callahan Airport. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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**RESOLUTION NO. 1456-08**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRHOPE,  
ALABAMA, APPROVING AND AUTHORIZING THE MAYOR AND THE CITY TO  
ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL AVIATION  
ADMINISTRATION FOR THE BENEFIT OF FAIRHOPE AIRPORT AUTHORITY  
AND THE FAIRHOPE AIRPORT**

WHEREAS, the United States of America acting through the Federal Aviation Administration has offered to pay a maximum of \$80,167.00 for airport development at the H.L. ["Sonny"] Callahan Airport in Fairhope, being project number 3-01-0029-011-2008; and

WHEREAS, the purpose of this grant is to pay a 95% share of the allowable costs incurred in accomplishing the construction of hangar access taxiways, phase 2; install Automated Weather Observation System, phase 2 as more particularly described in the Project Application dated July 17, 2008, at the H.L. ["Sonny"] Callahan Airport in Fairhope; and

WHEREAS, this offer of the Federal Aviation Administration is contingent upon acceptance of the grant in accordance with its terms, namely and including, among others, the "Terms and Conditions of Accepting Airport Improvement Program Grants" dated March 29, 2005; and

WHEREAS, the grant application was originally processed with the recipient to be the City of Fairhope, Alabama; and

WHEREAS, during the pendency of the processing of the grant, the City of Fairhope has fully cooperated in the creation of a new entity to own and control the H.L. ["Sonny"] Callahan Airport in Fairhope by the newly-created Fairhope Airport Authority; and

WHEREAS, the transferring of the properties and assets and liabilities concerning the H.L. ["Sonny"] Callahan Airport in Fairhope is still to some extent in progress; and

WHEREAS, the Federal Aviation administration retains the right to approve any such transfer from the City to the Airport Authority of such assets and liabilities of and pertaining to an airport such as H.L. ["Sonny"] Callahan Airport in Fairhope which has received and retained grant money or assets from the Federal Aviation administration; and

WHEREAS, the process of getting approval of the transfer from the Federal Aviation Administration is still ongoing and is not completed; and

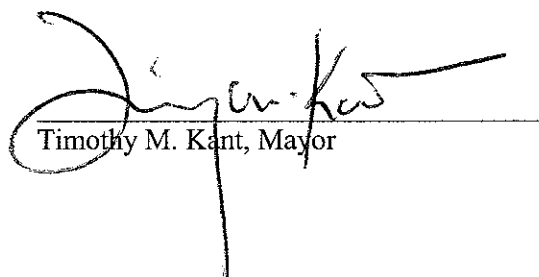
WHEREAS, the deadline date for the receipt of the grant from the Federal Aviation Administration is almost upon us; and

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WHEREAS, some intermediate solution to these problems is in the best interests of all concerned;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City, in a regular meeting of the City Council, that the Mayor be and he is hereby authorized to sign and execute any necessary and appropriate documents so that the City can receive the grant during this interim period, acting for and in behalf of the H.L. ["Sonny"] Callahan Airport in Fairhope and Fairhope Airport Authority, so that pending and during the period when the Federal Aviation Administration approves the transfer of the airport and the grants and liabilities concerning the airport, this grant is not lost unnecessarily but is, instead, accepted in accordance with applicable law and procedures.

Adopted this the 11th day of August, 2008.



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

ATTEST:



\_\_\_\_\_  
Lisa A. Hanks, City Clerk

City Council reviewed an application for a Beer/Wine On/Off Premises License by Daniel T. Spybey, d/b/a Jackson's Market, LLC located at 333 S. Greeno Road, Ste. A, Fairhope, Alabama. Councilmember Christenberry moved to approve the issuance of the license. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Quinn moved to grant the request of Janis Gilmore and David Tacon of Shoreline Rentals, LLC requesting permission to operate their kayak rental business at the Fairhope Public Pier or the public boat launch, located at the foot of Pier Street. Mayor Kant stated that the City is not allowed to rent the Pier Street boat ramp due to an agreement between the City and Alabama Water Conservation Services. Councilmember Ford stated that there are parking problems at times at Pier Street and the public beach is more widely used. He asked, "How many kayaks would be used?" Ms. Gilmore replied four to six kayaks. Councilmember Quinn mentioned another company did this and it did not make enough to keep an employee down there.

After further discussion, Councilmember Quinn moved to grant the request of Janis Gilmore and David Tacon of Shoreline Rentals, LLC requesting permission to operate their kayak rental business at the Fairhope Public Pier. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

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City Attorney Marion E. Wynne read the following memorandum to enter into an Executive Session for approximately 15 minutes:



August 11, 2008

Timothy M. Kant, C.M.O.  
*Mayor*

George W. Johnson, C.M.C.  
*City Clerk*

Nancy K. Wilson, CPA  
*Treasurer*

*Council Members*

Geoff Christenberry

Michael A. Ford, A.C.M.O.

Robert C. Gentle, C.M.O.

Debbie W. Quinn, A.C.M.O.

Daniel R. Stankoski

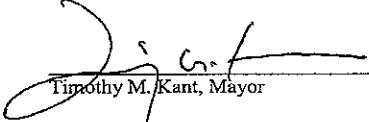
Council President Gentle  
City Councilmembers

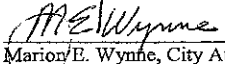
As Mayor of the City of Fairhope I hereby request on behalf of Marion E. Wynne City Attorney that the Fairhope City Council go into Executive Session to hear an update on pending litigation.


City Attorney Wynne does hereby declare that the City Council of the City of Fairhope rise from a Regular City Council meeting, on Monday, August 11, 2008, to go into Executive Session.

The City Council shall be in Executive Session for approximately 15 minutes/hour(s). At the end of the Executive Session the City Council shall return to the City Council Chambers to resume the Regular City Council meeting.

The time is 6:25 - City Council exits the dais to go into Executive Session.

  
Timothy M. Kant, Mayor

  
Marion E. Wynne, City Attorney

  
Robert C. Gentle, Council President

161 North Section Street

P.O. Drawer 429

Fairhope, Alabama 36533

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Councilmember Quinn moved to go in to executive Session. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

At 6:25 p.m. Mayor Kant, all Councilmembers and the City Attorney exited the dais.

At 6:41 p.m. Mayor Kant, all Councilmembers and the City Attorney returned to the dais.

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Councilmember Quinn addressed the City Council and stated there were two issues to discuss. The first issue is the City's financial statements. Councilmember Quinn asked Rose Fogarty, Finance Director, if she would add the month to date on the format as well as the time the City Council receives the monthly financial statement. Councilmember Quinn stated she would like to receive them sooner than the Friday before the City Council meeting. She said Monday or Tuesday would be better. Ms. Fogarty said the financial statements are issued after we receive the cost of energy bills and I hesitate to give you inaccurate statements. Councilmember Ford stated apparently this is going to be used in the election and we need to give out accurate information. Councilmember Quinn stated do it as early as possible.

Councilmember Quinn said the second issue is the biodiesel project. She said "we should postpone purchasing the cooker. Daphne processes Bay Minette's oil. I would hate to put all that money into a cooker and it fail. Maybe we should try what Bay Minette is doing."

CITY OF FAIRHOPE  
 QUOTATION TABULATION AND RECOMMENDATION  
 PROJECT NO. PW009-08  
 QUOTATION NAME: SOUND ATTENUATING BLANKETS FOR THE LIBRARY CHILLER UNITS

VENDOR	DELIVERY LEAD TIME	MODEL	QUOTED PRICE PER TURNKEY INSTALLATION
BACHELOR'S MECHANICAL CONTRACTORS, INC. BACHELOR'S MECHANICAL CONTRACTORS, II BACHELOR'S MECHANICAL CONTRACTORS, INC.	N/A	HUSH CORE HUSH COVER HUSH CORE HUSH QUILT HUSH COVER & HUSH QUILT	\$13,980.00 \$27,250.00 \$40,040.00
ALABAMA MECHANICAL, INC.	N/A	HUSH CORE HUSH COVER	\$14,000.00
ENGINEERED COOLING SERVICES	N/A	NO DESCRIPTION IN QUOTE	\$23,053.00
<p>I recommend the acceptance of the quotation from            Batchelor's Mechanical            Contractors in the amount of \$13,980.00</p> <p><i>[Signature]</i> 6/17/08            Ken Estava, Assislt. Director of Public Works</p> <p>To the best of my knowledge, this is a true tabulation of the bids  <i>[Signature]</i> 6/17/08            Daniel P. Ames, Purchasing Manager</p>			



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Councilmember Quinn moved to accept the low bid of Batchelor's Mechanical Contractors, Inc., provided all specifications are met, for sound attenuating blankets for library chiller units (Public Works Project) for the Fairhope Public Library. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote. This purchase will be funded by General Operating Fund.

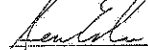
CITY OF FAIRHOPE  
 B/D TABULATION AND RECOMMENDATION  
 B/D NO. 07-23-08  
 B/D NAME FAIRHOPE LIBRARY LIGHTNING PROTECTION SYSTEM  
 B/D OPENED: 07-23-08

VENDOR	B/D BOND WAIVED	BID PRICE	ADDENDUM #1 RETURNED/SIGNED
ADVANCED LIGHTNING PROTECTION SYSTEMS	YES	\$48,500	YES
BONDED LIGHTNING PROTECTION	YES	\$14,800	YES
LIGHTNING ELIMINATION SYSTEMS	YES	NO RESPONSE	NO
HOMLEN ELECTRIC, INC.	YES	NO RESPONSE	NO
HOBBS-ORLEM, INC.	YES	NO RESPONSE	NO
HOUSH & ASSOCIATES	YES	NO RESPONSE	NO
MOODY'S ELECTRIC	YES	\$17,394.55	YES

RECOMMENDATION: ACCEPT THE  
 BID OF BONDED LIGHTNING PROTECTION FOR \$  
 14,800.00

 7/31/2008

Scott Stok, P.E., Engineer of Records

 7/31/2008

Ken Esters, Assistant Director of Public Works

TO THE BEST OF MY KNOWLEDGE THIS IS AN ACCURATE BID TABULATION

 7/27/08

Doree P. Ames, Purchasing Manager

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Councilmember Ford moved to accept the low bid of Bonded Lightning Protection, provided all specifications are met, for the lightning protection system for the Fairhope Public Library. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote. This purchase will be funded by the balance of Library funds and General Funds.

CITY OF FAIRHOPE  
 BID TABULATION AND RECOMMENDATION  
 BID NO.: 023-08  
 BID NAME: HEAVY DUTY COMMERCIAL GRADE MINIATURE LIGHTS FOR CHRISTMAS DECORATIONS  
 BID OPENED: 07-30-08

VENDOR	DELIVERY LEAD TIME	MANUFACTURER	MODEL	BID BOND	BID PRICE PER EA MIN. 100 BULB STRAND	ADDENDUM #1 RETURNED/SIGNED	COMMENTS
JUBILEE ACE HARDWARE					NO RESPONSE		
FREDS					NO RESPONSE		
DIXIE DECORATIONS					NO BID		
ALLIED ELECTRONICS, INC.					NO BID		
WAL-MART					NO RESPONSE		
CHRISTMAS LIGHTS, INC.					NO RESPONSE		
HOLIDAY DESIGNS, INC.	10/15/2008			NONE	\$7.57	YES	Bidder refused to submit bid bond with bid, insisted on award within 5 days
DISPLAY SALES CO., INC.	9/15/2008	CHINESE	WSG0811	OUT OF STATE CHECK	\$5.95	YES	Non compliance checked on two specification items

RECOMMENDATION: REJECT ALL BIDS DUE TO BID ERRORS OR INCOMPLETE

TO THE BEST OF MY KNOWLEDGE THIS IS AN ACCURATE BID TABULATION

*[Signature]* 8/6/08 *[Signature]* 8/6/08

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Councilmember Christenberry moved to reject all bids for the Electric Department on Bid No. 023-08 for heavy duty commercial grade miniature lights for Christmas decorations. Dan Ames, Purchasing Manager, explained that the specifications for the bid were not met by the vendors. After further discussion, Councilmember Stankoski seconded the motion to reject all bids for the heavy duty commercial grade miniature lights, motion passed unanimously by voice vote.

Dan Ames, Purchasing Manager, told the City Council that the Code of Alabama 1975, Section 41-16-50(a) and advisement from City Attorney Wynne, with the rejection of all the bids by the City Council, we may negotiate the purchase of these lights.

Councilmember Christenberry moved to authorize Dan Ames, Purchasing Manager, to negotiate the purchase of heavy duty commercial grade miniature lights for Christmas decorations. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

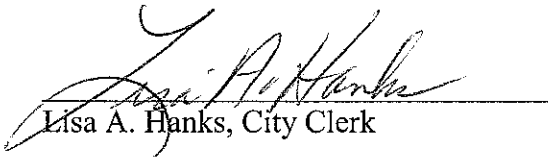
Councilmember Ford moved to pay bills as presented. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:01 p.m.



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Robert C. Gentle, Council President



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Lisa A. Hanks, City Clerk