

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, 8 September 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 Dr. Tim Patrick, Pastor of Faith Baptist Church, and the Pledge of Allegiance was recited. Councilmember Christenberry moved to approve minutes of the August 25, 2008, Regular City Council meeting and the minutes of the September 2, 2008, Special City Council meeting. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Sherry Sullivan made the following announcements:

- Please join us for Alabama's Coastal Clean-Up on Saturday, September 20, 2008 from 8:00 a.m. until noon at the Fairhope Municipal Pier. For questions, call 621-1216. Residents are also encouraged to use this day as a time to clean-up your neighborhoods, subdivisions, or common areas.
- Fairhope Pier Players every Thursday evening from 6:00 p.m. until sunset at the Fairhope Municipal Pier.
- In October we will be celebrating several items:
 - (1) We will be celebrating Public Power Week on Thursday, October 9, 2008, from 4:00 p.m. to 6:00 p.m. at the Fairhope Municipal Pier South End Park; and
 - (2) October is National Planning month.

Mayor's Comments and Staff Reports:

- We survived the Tropical Storm, but we had an issue at Rock Creek and a cave in at Morphy.

Councilmember Christenberry introduced in writing, and moved for the adoption of the following resolution, a resolution accepting the one-time lump sum payment for City Retirees as provided for by said Act 2008-555. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

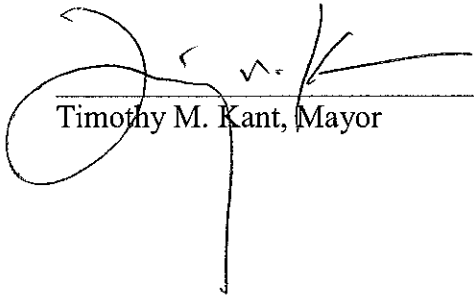
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RESOLUTION NO. 1461-08

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, FAIRHOPE, ALABAMA, that the City of Fairhope elects to come under the provisions of Section 2 of Act 555 of the First Special Session of the 2008 Legislature.

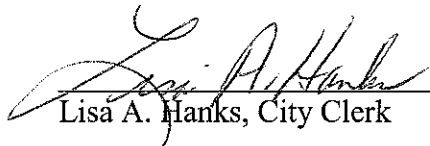
The City of Fairhope agrees to provide all funds necessary to the Employee's Retirement System to cover the cost of the one-time lump sum payment as provided for by said Act for those eligible employees retired from the City of Fairhope with the aforementioned increase being paid on or about December 15, 2008.

ADOPTED THIS 8TH DAY OF SEPTEMBER, 2008.



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Council President Gentle announced that item #5, a resolution authorizing Mayor Kant to execute the Interjurisdictional Agreement for Stormwater Management by and among Baldwin County, Alabama, the Alabama Department of Transportation, the City of Spanish Fort, the City of Daphne, and the City of Fairhope has been pulled from the agenda, at the request of Jennifer Fidler, Public Works Director. A work session has been scheduled for September 22, 2008 at 4:30 p.m. to discuss the agreement and answer any questions before the City Council votes on this issue.

City Council reviewed an application for a Special Retail License William Boyd Little, d/b/a Oak Hollow Farm, Inc., located at 14210 Greeno Road, Fairhope, Alabama. Councilmember Quinn mentioned that this is for The Rileigh & Raylee Angel Ride. Councilmember Ford moved to approve the issuance of the license. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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Charles "Chuck" Zunk, Chairman of the Strategic Planning Process Committee, addressed the City Council and reiterated that the first recommendation from the Strategic Planning Process Committee was the following:

"At the first City Council meeting in September the Council will approve seven "citizen" members to the Strategic Planning Steering Committee, one of whom would be the Chairman. The Committee would actually have a total of nine members, the other two being the Mayor and a Council Member (named by the Council President). The Committee Chairman will also serve as facilitator in meetings, as required."

The first several meetings will be primarily for educational purposes for themselves, the community, and staff members. Mr. Zunk asked the City Council to appoint at least a few of the members.

Council President Gentle stated that two of the Councilmembers submitted names for the committee and three Councilmembers did not submit names. Councilmember Quinn said that the Mr. Zunk recommended four members to keep continuity with the planning process. We should move to appoint four members and leave the other three open. Councilmember Ford asked Mr. Zunk if he recommended three or four members. Mr. Zunk replied four and mentioned that Mr. Wilder was on the old committee too. Councilmember Ford objected to this recommendation and wants some of the old Fairhope Community to be on the committee.

Mr. Zunk said he wants everyone to understand these initial members are the facilitators for steering the strategic planning committee. Councilmember Stankoski agreed to appoint the four members and to get the ground work laid. Mayor Kant stated they need a little more diversity on the committee, such as women and minorities. Council President Gentle stated we can appoint some of the members, so the new administration is not overwhelmed.

After further discussion, Councilmember Stankoski moved to appoint the four recommended members: Ron Heveran, John Gutknecht, Dave Jester, and Marvin Wilder, to the Strategic Planning Steering Committee and in the future appoint the other members. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.


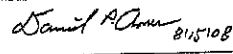
Mr. Charles Zunk, Chairman of the Fairhope Airport Authority, addressed the City Council and reminded them of the two vacancies. Mr. Zunk stated that the Authority recommends the nomination of Pamela S. Caudill for the vacancy created by an earlier resignation of Louis Mapp.

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Pamela Caudill addressed the City Council and stated that she and her husband have been residents of the City of Fairhope since 2004 and became full-time residents in 2007. Ms. Caudill said she has over 30 years in Federal law enforcement. She was Special Agent in Charge with the State Department and worked in foreign trade zones and airport customs with the United States Customs. Ms. Caudill also mentioned she was experienced in trade and money laundering issues as well as strategic planning.

After further discussion, Councilmember Quinn moved to appoint Pamela S. Caudill to the Fairhope Airport Authority. This term will end March 2011. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

CITY OF FAIRHOPE
 BID TABULATION AND RECOMMENDATION
 BID NO.: 020-08
 BID NAME: CHEMICAL PHOSPHATE
 BID OPENED: 08-13-08

VENDOR	COMMENT	BID BOND	BID PRICE PHOSPHATE/TKFP	ADDENDUM #1 RETURNED/SIGNED
THORNTON, MUSSO & BELLEMIN, INC.		YES	\$.036 per 1000 gal treated \$22.00 per gallon	YES
CHEMTECH	INCOMPLETE BID	CHECK	\$.0489 per 1000 gallon treated no bid on TKFP	NO
US FILTER-SIEMENS			NO RESPONSE	
WATER AND WASTE SPECIALTIES, LLC.			NO RESPONSE	
CHEM STATION GULF COAST			NO RESPONSE	
INDUSTRIAL CHEMICAL			NO RESPONSE	
GE BETZ			NO RESPONSE	
SHANNON CHEMICAL	INCOMPLETE BID		\$.0327 per 1000 gallon treated no bid on TKFP	NO
RECOMMENDATION: ACCEPT THE BID OF THORNTON, MUSSO & BELLEMIN, INC.				
TO THE BEST OF MY KNOWLEDGE THIS IS AN ACCURATE BID TABULATION				
 18 Aug 08				
 Daniel A. Quinn 8/15/08				

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Councilmember Quinn moved to accept the low bid of Thornton, Musson & Belemine, Inc., provided all specifications are met, for the annual contract for purchase of chemical phosphate for the water treatment plant. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote. This purchase will be funded by the Water Operating Funds.

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

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

City Attorney Marion E. Wynne addressed the City Council regarding the City of Fairhope's sludge processing contract. D & D, LP requests permission to assign its Sludge Processing Contract with the City of Fairhope to Southern Environmental, LLC. The contract is dated February 8, 2007 and states at paragraph 9 that the contractor cannot assign its rights and duties under the contract without the consent of the City. Southern Environmental, LLC is buying D & D, LP. City Attorney Wynne stated that we could void the contract with a written 30-day notice. He also said that Southern Environmental, LLC would be bound by the contract with all duties and rights. Councilmember Stankoski asked how much are we talking. Dan McCrory, Water & Sewer Supervisor, replied around \$100,000.00. Councilmember Christenberry asked are there many that do this type of service. Mr. McCrory replied this is very rare.

After further discussion, Councilmember Christenberry moved to authorize Mayor Timothy M. Kant to execute the Consent to Assignment of the Sludge Processing and Removal Agreement between the City of Fairhope and D & D, LP. The assignment will be from D & D, LP to Southern Environmental, LLC. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

City Attorney Marion E. Wynne read the following memorandum to enter into an Emergency Executive Session for approximately 10 minutes:

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September 8, 2008

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

Geriece W. Johnson, C.M.C.
City Clerk

Nancy K. Wilson, CPA
Treasurer

Council Members

Cecil Christenbery

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

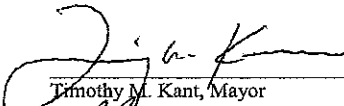
Location – City Hall Conference Room

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 Emergency Executive Session to hear an update on possible litigation.

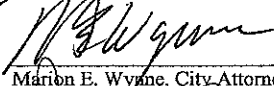
City Attorney Wynne does hereby declare that the City Council of the City of Fairhope rise from a Special City Council meeting, on Monday, September 8, 2008, to go into Executive Session.

The City Council shall be in Executive Session for approximately *10 minutes* minutes/hour(s). At the end of the Executive Session the City Council shall return to the City Council Chambers to resume the Special City Council meeting.

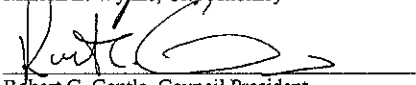
The time is *6:02 p.m.*; City Council exits the dais to go into Executive Session.



Timothy M. Kant, Mayor



Marion E. Wynne, City Attorney



Robert C. Gentle, Council President

161 North Section Street

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

At 6:02 p.m. Mayor Kant, all Councilmembers and the City Attorney exited the dais.

At 6:19 p.m. Mayor Kant, all Councilmembers and the City Attorney returned to the dais.

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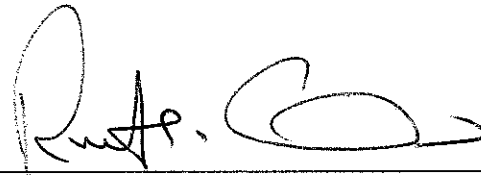
Gary Gover addressed the City Council regarding Hurricane Gustav and a 2,000 gallon sewage spill. He told the City Council that an advisory had been issued and there were closures at Camp Beckwith and Volanta Avenue for swimming. We had around six to seven inches of rain in Fairhope. Mr. Gover suggested that the City Council place in the budget funds to help find a solution in reducing the spills and closures due to the spills.

Dan McCrory, Water & Sewer Supervisor, responded that there were overflows, but the source was not sewage spills. Mr. McCrory said his department performed smoke studies over the week. They found 36 homes where the sewer caps had been hit by lawnmowers. Each homeowner received a notice of violation. The yards were draining into the sewage system.

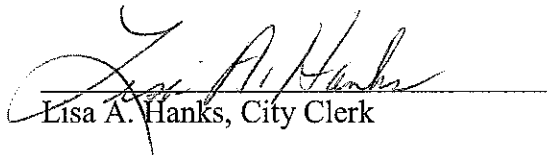
Mr. Gover asked; what are we going to do to reduce the occurrences of caps lifting off. Mr. McCrory replied the runoff is from other sources and are not sewage spills. We call these "nonpoint sources."

Councilmember Ford stated that seagulls and other birds on piers and power lines produce problems with our waters and could cause warnings for swimming. He mentioned that piers sometimes are completely white from birds and this goes into our waters.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:25 p.m.



Robert C. Gentle, Council President



Lisa A. Hanks, City Clerk