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, 23 June 2008.

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

There being a quorum present, Council President Gentle called the meeting to order. The invocation was given by Dr. Paul Fowler, Pastor of Eastern Shore Presbyterian Church, and the Pledge of Allegiance was recited. Councilmember Christenberry moved to approve minutes of the June 9, 2008, regular meeting and approve the following action that took place Monday, June 16, 2008, Work Session approving to go into Executive Session. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Sherry Sullivan made the following announcements:

- The Fairhope Outdoor Market continues through July 17<sup>th</sup> on Thursday evenings from 4:00 p.m. to 6:00 p.m., Downtown Fairhope on Church Street.
- The Fairhope Pier Players' concerts, known as "Thursdays at the Pier," will be held every Thursday until October from 5:00 p.m. until sunset.
- Fairhope offers walking tours in June. In conjunction with the Alabama Department of Tourism, the City of Fairhope will offer walking tours on each Saturday in June. All tours begin at 10:00 a.m. from the Fairhope Welcome Center and are free of charge. For reservations or information call 929-1466.
- July 4th Celebration Baldwin Pops Concert will be at 6:30 p.m. on the bluff and Fireworks at 9 p.m.

Mayor's Comments and Staff Reports:

• Dan Ames, Purchasing Manager, addressed the City Council and gave an update on the lightning protection system at the Fairhope Public Library. The following memo was read:



### MEMO

06-17-08P12:32 RCVD

To: From:

Re:

Nancy Wilson, Treasurer

Timothy M. Kant, C.M.O.

Daniel P. Ames, Purchasing Manager

Geniece W. Johnson, C.M.C. City Clerk - Treasurer

June 17, 2008 Date:

Council Members Ceril Christenherry Michael A. Ford, A.C.M.O. Robert C. Gentle, C.M.O.

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

Daniel R. Stankoski

To date summary of recent activity on the Fairhope Library Lightning Protection System

This memo is to serve as a summary of recent activity concerning the Fairhope Library lightning protection system acquisition. Please include this in the City Council Packets and request time for discussion at the next City Council meeting.

#### Time line:

06-03-08

Purchasing Manager introduced to issue of need for lightning protection on Fairhope Library, instructed to present quotation tabulation at next Council

06-03-08 to

06-13-08

Purchasing Manager, Electric Superintendent and Assist, Director of Public Works conduct research to formulate specifications for lightning protection system. Prospective vendors identified, site surveys conducted with each vendor.

06-13-08

Request for Quotations sent to three vendors: Bonded Lightning Protection, Inc.,

Advanced Lightning Protection and Lightning Elimination Systems.

06-16-08

Only one vendor responds with quotation.

06-17-08

Compose this summary to present with recommendation to City Council for new

### Details:

Research conducted revealed that an earlier proposed system was refused National Fire Protection Association (NFPA) coding and had been refused listing by Underwriters Laboratories (U.L.), two of the major sanctioning authorities for lightning protection systems in the United States. Therefore, specifications were composed for the turnkey installation of a conventional, Franklin rod, lightning protection system that complies with NFPA code, and will be certified by U.L. with a Master Label Certification of Inspection.

161 North Section Street P.O. Drawer 429 Fairhope, Alabama 36533 251-928-2136 251-928-6776 Fax www.cofairhcpe.com

U.L. certification requirements include a lightning surge arrestor on the main electrical entrance panel. The existing TVSS (Transient Voltage Surge Suppressor) is being researched to determine if it meets the U.L. requirements. If not, it will be replaced as part of this scope of work.

While our main objectives are to protect personnel in the structure and the structure itself, when possible to do so without detrimentally affecting the protective capabilities of the system, items were included in the specifications to minimize the visual footprint of the system.

In response to an inquiry on the effect of this specified installation on our insurance on the building, our insurance agent, Robbie Robertson responded in an e-mail 0f 06-11-08, stating he agreed with the choice of a U.L. approved system, and that "the building will be given consideration for a credit once the system is installed at renewal".

The lightning protection system is a building component and buildings are under Public Works, A Public Works Project (PW008-08, Fairhope Library Lightning Protection System) was created. The budgetary estimate for this project was under fifty thousand dollars (\$50,000). A project in this category only requires the obtaining of quotations. Three quotations were solicited, but only one vendor actually submitted a quote. Inquiries to the other two vendors resulted in one vendor stating he did not want to bid against his friend, and the other vendor stated he would submit a quote, if given more time.

#### Recommendation:

Due to the lack of response to the request for quotations, it is recommended that Project No. PW008-08, Fairhope Library Lightning Protection System, be bid following our normal bid process.

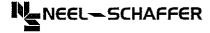
Council President Gentle asked how much did we originally approve? Mr. Ames said around \$7,500.00 and the original proposal would not work. It is not sanctioned by NFPA Code. Mayor Kant stated that the numbers for the approved system are going to be very high. Councilmember Ford asked; what did the original call for? Mr. Ames replied; a one mast system that UL will not certify and NFPA won't code.

Councilmember Ford moved to go out on bid for the Fairhope Public Library's lightning protection system. Seconded by Christenberry, motion passed unanimously by voice vote.

• Ken Eslava, Assistant Director of Public Works, addressed the City Council and reported on the sound attenuating blankets for the Library chiller units. He stated that we had received a petition on noise coming from the air conditioning chiller units. The noise is less than 50 decibels, but a piercing tone. The best solution is wrapping them with sound attenuating blankets. Councilmember Christenberry asked if we could spray insulation on the block walls to help the sound. Mr. Eslava replied yes, but you would also need the blankets. Councilmember Stankoski asked; where are our designers? Mr. Eslava said Walcott, Adams & Verneuille used the block wall system for the sound.

Council President Gentle said this is a non-budgeted item and we should go back to the architects. We need to look at the dollars and talk to Walcott, Adams & Verneuille. Councilmember Stankoski said "it sounds reasonable to me." Councilmember Ford said "we should use Cecil's way of doing it; can you put the insulation on the wall." Councilmember Christenberry stated this is a beautiful building and we can't protect it or put sound devices on it. We need to get more information, see what can be done, and where the money will come from.

• Gregg Mims, Planning Director addressed the City Council and introduced Jonathan Kiser from Neel-Schaffer. Mr. Kiser gave the following annual update on the Fairhope Traffic/Transportation Model:



Neel-Schaffer, Inc. 772 Howard Avenue Biloxi, MS 39530-3822 Phone (228) 374-1211 Fax (228) 374-1216

January 30, 2008

Mr. Brently Gregg Mims Planning Director 555 S. Section Street Fairhope, AL 36533

REFERENCE:

PLANNING ANALYSIS UPDATE 2007 APPROVED DEVELOPMENTS

Dear Mr. Mims:

This letter serves as an update to the planning analysis in the Traffic Operations and Planning Report completed in April 2007. This update summarizes the results of a planning analysis performed by Neel-Schaffer as requested by the City of Fairhope to evaluate the impact of the 2007 approved developments proposed throughout the City.

The City identified twenty-two new projects to be included in the growth scenarios evaluated. The list of approved developments and their trip generation potential is attached in Table 1. The growth scenarios also included the four developments that were analyzed in the initial report last year. These developments include Wal-Mart Supercenter, Fly Creek, Fairhope Falls and Quail Creek Phases V and VI.

The planned developments approved by the City in 2006 and 2007 have been added to the base year 2006 traffic to evaluate the impacts on available capacity. No current year traffic counts have been conducted, and background growth rates have not been estimated. Therefore, the new project traffic is added to the 2006 volumes. We recommend conducting traffic counts again in 2008 or first quarter 2009, to identify the background growth in Fairhope.

The purpose of this analysis is to evaluate the remaining capacity and impacts on the City's infrastructure from approved developments. Capacity of existing roadways was based on the FDOT level-of-service tables developed for a Concurrency Management Program. A transportation model and classification of the City's roadways was utilized in the model to evaluate the impacts from proposed developments.

In Planning Area 1, in the southwest planning boundary of the City, the most restrictive link is Highway 98 between Monk and County Road 24. The capacity limitation on this 2 lane section of Highway 98 would be the most restrictive, as the available capacity is shown to be 438 vph. This should allow for approximately 440 new dwelling units on this link, provided background growth has not significantly changed.

# NEEL-SCHAFFER

Mr. Gregg Mims Page 2 January 30, 2008

Planning Area 2, in the southeast planning boundary of the City, shows capacity limitations on County Road 32, east of County Road 27, with an available capacity of 283 vph. This should allow for approximately 280 new dwelling units on this link, provided background growth has not significantly changed.

Planning Area 3 shows Fairhope Avenue over capacity between Highway 98 and County Road 27, which was evident in our 2007 report as well. While widening to 3 lanes is anticipated to meet the short term growth needs, this roadway section is likely to warrant a four lane roadway section east of Highway 98 to meet the growing population and commercial traffic planned on Fairhope Avenue, specifically as it relates to the large vacant commercial parcel north of Fairhope Avenue just east of the Pelican Pointe Shopping Center.

State Road 104 is nearing capacity east of County Road 27 with 25 available peak hour trips. County Road 27 also shows capacity limitations south of Twin Beech Road with an available capacity of 294 vph.

Planning Area 4 shows North Section Street north of Volanta Avenue with a PM Peak hour volume of 1,250 vph and a capacity of -130 vph, thus over capacity.

Based on this analysis, 2008 ADT counts are recommended at the following locations:

- 1) Fairhope Avenue east of Highway 98
- 2) State Road 104 east of County Road 27
- 3) North Section Street north of Volanta Avenue

These counts will identify if the base volumes have increased (or decreased) by a significant margin.

If you have any questions or comments regarding this analysis, please call me at (228) 374-1211.

Sincerely,

NEEL-SCHAFFER, INC.

Jonathan A. Kiser, P.E., PTOE

Butten Him

Traffic Engineer

- Gregg Mims addressed the City Council and reported on the most recent legislative bills that had been passed. There are three main changes regarding the impact fee:
  - 1. Maintenance and upkeep of facilities or resurfacing of roadways where needed because of the impact of new development.
  - 2. A county may elect to share revenues from the collection of impact fees with a municipality when the revenues are generated in the police jurisdiction of the municipality. Any revenues shared pursuant to this subsection shall be used by the municipality in accordance with this act.
  - 3. Any impact fees collected pursuant to this subpart shall be expended or contracted to be expended within **five** years (used to be two) of the collection of the fees unless the development or the expenditure of the fees is delayed by an Act of God or litigation.

Council President Gentle asked if the monies that have already been collected would remain the two-year term. Mr. Mims replied yes; we will have to amend the ordinance to the five-year term.

• City Attorney Marion E. Wynne addressed the City Council and reported on the request by Mr. Willie Williams of the Point Clear - Fairhope Action Committee to withdraw its support for the Section 8 housing in Fairhope known as Spring Run Apartments. Mr. Williams is asking the City to write a letter to Ms. Cynthia Houston, Intake Chief in the Office of Fair Housing and Equal Opportunity at HUD in Atlanta. He is asking the City to request that her office give high priority to the issues PCFAC is raising regarding the treatment of tenants at Spring Run by Miami Mar, Inc., the management company at the project.

City Attorney Wynne mentioned that Chuck Stefan, Vice President of The Mitchell Company is here tonight to answer any questions regarding this report and the issues presented by PCFAC. The Mitchell Company is the owner of Southeast Partner, Inc. who is the general partner of the owner of the Spring Run Apartments, Spring Run Associates, Ltd.

Councilmember Stankoski moved to authorize Mayor Kant to write a letter to Cynthia Houston, Intake Chief in the Office of Fair Housing and Equal Opportunity at HUD in Atlanta, to expedite their investigation with the issues raised by PCFAC. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

• Rose Fogarty, Finance Director, and Nancy Wilson, City Treasurer, presented the following PowerPoint presentation no action was taken by City Council.

CITY OF FAIRHOPE CITY COUNCIL MEETING JUNE 23, 2008  SUMMARY FINANCIAL REPORTS EIGHT MONTHS ENDED 5/31/2008		GENERAL FUND  8 MONTHS ENDED INCREASE 5/31/2008 5/31/2007 (DECREASE)  REVENUES 14,034,658 13,124,399 910,259  EXPENSES 13,853,768 12,704,129 1,149,659  EXCESS REVENUE OVER (UNDER) EXPENSES 180,870
Slide 1	]	Slide 2
gas fund		ELECTRIC FUND
8 MONTHS ENDED INCREASE 5/31/2008 5/31/2007 (DECREASE)		8 MONTHS ENDED INCREASE 5/31/2008 5/31/2007 (DECREASE)
REVENUES 5,932,888 5,913,956 18,912  COST OF ENERGY 3,147,334 2,914,700 232,634  EXPENSES 2,261,335 1,991,336 270,599  EXCESS REVENUE OVER (UNDER) EXPENSES 523,599		REVENUES 10,304,425 9,820,333 484,092  COST OF ENERGY 5,903,682 4,876,372 1,026,710  EXPENSES 3,980,989 4,076,540 (95,551)  EXCESS REVENUE OVER (UNDER) EXPENSES 420,354
Slide 3		Slide 4

### WATER/SEWER FUND    8 MONTHS ENDED	GOLF FUND     S MONTHS ENDED   INCREASE
ALL FUNDS  8 MONTHS ENDED	CASH BALANCE COMPARISON AT MAY 31, 2003    CORRENT   PROR   PROR   PROR   MONTH   YEAR   SHIPPER   SHIPPER
GENERAL FUND - CASH  DURRESTRATED CASH  DARRESTRATED CASH  DARRESTRATE	(CLARESTRUE) COLARESTRUE (CLARESTRUE) CARESTRUE (CLARESTRUE) COLARESTRUE (CLARESTRUE) COLARESTRU

Councilmember Ford introduced in writing Ordinance No. 1364. An ordinance establishing the use of electronic vote counting devices for use in all municipal elections. 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 - Stankoski, Christenberry, Ford and Gentle. NAY - none. Councilmember Christenberry then moved for final adoption of Ordinance No. 1364. Seconded by Councilmember Stankoski, motion for final adoption passed unanimously by the following votes: Stankoski, Christenberry, Ford and Gentle. NAY - none.

Councilmember Christenberry introduced in writing Ordinance No. 1365. An ordinance to authorize the issuance of the City's General Obligation Warrant in the principal amount of \$2,000,000 (in evidence of a revolving one-year line of credit with RBC Bank for current operating expenses and unanticipated, or emergency, capital improvements. In order to take immediate action, Councilmember Ford moved for immediate consideration. Seconded by Councilmember Christenberry, motion for immediate consideration passed unanimously by the following votes: AYE - Stankoski, Christenberry, Ford and Gentle. NAY - none. Councilmember Stankoski then moved for final adoption of Ordinance No. 1365. Seconded by Councilmember Ford motion for final adoption passed unanimously by the following votes: Stankoski, Christenberry, Ford and Gentle. NAY - none.

Councilmember Ford moved to declare the Allis-Chalmers Substation Transformer with serial number 522603 owned by the City of Fairhope, Alabama as surplus property. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Councilmember Christenberry introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing and directing the Mayor and Purchasing Manager to dispose of the personal property owned by the City of Fairhope, Alabama – Allis-Chalmers substation transformer, serial number 5226033. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

### **RESOLUTION NO. 1451-08**

WHEREAS, the City of Fairhope, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

WHEREAS, Section 11-43-56 of the Code of Alabama of 1975 authorizes the municipal governing body to dispose of unneeded personal property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FAIRHOPE, ALABAMA, AS FOLLOWS:

SECTION 1. That the following personal property owned by the City of Fairhope, Alabama, is not needed for public or municipal purposes:

Allis-Chalmers Substation Transformer

Capacity: 7,500 kva without fans, 8,375 kva with fans, Voltage: 43,800volts / 12,470 volts 6.4% impedance, Mfg: April, 1970, Serial Number: 5226033

SECTION 2. That the Mayor and Purchasing Manager be, and they hereby are, authorized and directed to dispose of the personal property owned by the City of Fairhope, Alabama, described in Section 1, above, by receiving bids for such property. All such property shall be sold to the highest bidder, provided, however, that the council shall have the authority to reject all bids when, in its opinion, it deems the bids to be less than adequate consideration for the personal property.

ADOPTED AND APPROVED THIS 23rd DAY OF June, 2008.

Timothy M. Kant, Mayor

ATTEST:

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Lisa A. Hanks, City Clerk, to perform all the duties otherwise required to be performed by the Mayor per Code of Alabama 1975, with respect to the Municipal Election and Run-off if necessary. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

## RESOLUTION NO. 1452-08

WHEREAS, a General Municipal Election will be held in the City of Fairhope on the 26th of August 2008, and if necessary a Run-off Election will be held in the City of Fairhope on the 7th of October 2008; and,

WHEREAS, the Mayor of the City of Fairhope is a candidate in said election and is thereby disqualified to perform certain duties per Code of Alabama, 1975.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Lisa A. Hanks, City Clerk, is hereby appointed to perform all the duties otherwise required to be performed by the Mayor per Code of Alabama, 1975 with respect to the Municipal Election to be held in the City of Fairhope on the 26th August 2008 and any Run-off Election ordered held with respect thereto.

Timothy Ml Kant/Mayor

Seconded by Councilmember Ford, motion passed

Adopted this the 23rd day of June, 2008

Attest:

City Council reviewed an application for a Beer/Wine On/Off Premises License by Xiong Lin, dba Hongkong Super Lin Buffet located at 175 Baldwin Square, Fairhope, Alabama. Councilmember Christenberry moved to approve the

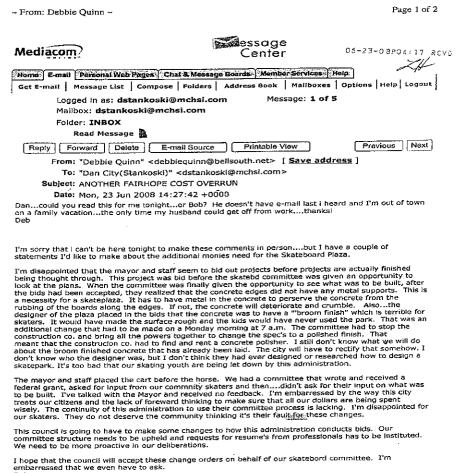
issuance of the license. unanimously by voice vote.

\Hanks, Citý Clerk

Councilmember Stankoski moved to appoint Maria Gwynn and Harvey E. (Skip) Jones, Jr. to the Fairhope Tree Committee for a three-year term which will end June 2011. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Tanner Vincent and Harrison Turabella addressed the City Council requesting to allow all middle school students to use the Fairhope Public Library without parental supervision. Council President Gentle told them to get their spokesperson and to meet with the Library's spokesperson. Martin Lanaux, Library Board President, stated that this request would be put on their next Library Board meeting in July for discussion. Councilmember Christenberry said that we should applaud these kids for coming to us with this issue.

Councilmember Ford moved to grant Change Order #1. A change order by East Coast Contracting, Inc. for the general construction of the City of Fairhope Skateboard Park located at 701 Volanta Street, Fairhope, Alabama, increasing the contract by \$9,000.00. Councilmember Stankoski stated that Councilmember Quinn had sent him an e-mail with concerns from the Fairhope Skateboard Park Committee and the people who did the Federal Grant. Councilmember Stankoski stated he had given the City Clerk a copy to put in the minutes. The following is a copy of the e-mail:



After further discussion, Councilmember Christenberry seconded the motion to grant Change Order #1 by East Coast Contracting, Inc. for the general construction of the City of Fairhope Skateboard Park located at 701 Volanta Street, Fairhope, Alabama, increasing the contract by \$9,000.00., motion passed unanimously by voice vote.

582	CKLONE)			50 5250	GREARIGE FERVISE	EDGE LOW EL
APPLEMBE	-			!	以表記的語	
Jakob Kalendari	6				055035	
And the second s		<del></del>	tanaha	<u> </u>		<u></u>
96/34 <del>9</del>		** a demandration of the second			NJ AESPORSE	T
bed oxte	Til	,		T	90586F	1
/14H190TK300, bx	·	***************************************		<u></u> ,	no 9259056E	<u> </u>
				<u> </u>		<u> </u>
0291	448. DATS	NAMES OF STREET	SANSCALLARIA SANSTANTAN PRA	Y53	\$38E30	185
vario de acadalla	***************************************				Ng 540	-
ANTESSING					NO RESPONSE	
ecocysin scienc	TT	***************************************	i i		10 EE (18 C)	
A SCU SPORTS LIZE TEXS			<u> </u>	ملب		4
aracuaroma carring				L.,	NATI RESPONSE	***************************************
Masses a					10 REPORT	
PRINCEL LOCATION	7		Applications of the property of the state of		V657)86	Ţ
lur (sp	1	William Control of the Control of th	£		10 ESP025	1
TURRER 60	Ø#	2020MER030	SPORTSCHOOL TERROR	i.	SED	7B
4550	1 200 1					
		destrice vicence and a second			MI SPARTINGS	
						1
ELCCE SOCIETY SANG	SUCIENTAL	ersodal or mediaestro c	Francisco consumeración	·····		
A Fall Malohii	4					

Councilmember Christenberry moved to accept the low bid of HD Supply Utilities provided all specifications are met, for sports lighting fixtures at the Fairhope Stadium and other fields, as needed. Seconded by Councilmember Ford, motion passed unanimously by voice vote. This purchase will be funded by the Recreation Improvements Funds.

CITY OF FAIRHOPE BID TABULATION AND RECOMMENDATION BID: NO::011-08 **GOLF MOWER REELS AND PARTS** BID OPENED: 04-09-08

VENDOR	DELIVERY LEAD TIME	MANUFACTURER	MODEL	TOTAL PRICE FOR 7 UNITS
R & R PRODUCTS, INC	7-10 days	R&R PRODUCTS, INC.	R101203-SPL	\$8,965.25
V & W. WANDON IN WA				
HUMPHRIES FARM			The state of the s	NO RESPONSE
AND TURF	And the Contract of the Contra	Andrew Market and the second s		
MIND I OUT				A Maria de La Caracteria de Ca
BEARD EQUIPMENT				NO BID
DEWIND FRANK MELA	-			
TIECO TURF AND				NO RESPONSE
INDUSTRIAL EQUIPMENT			William Control of the Control of th	
BADOO I KWE E GOT MENT				
TOOMEY EQUIPMENT				NO RESPONSE
and the second of the second o				
COMPANY				
DUTCHMAN'S LAWN				NO RESPONSE
AND GARDEN, LLC		_		
20. 27. 00.56 D. ( 27.73), (37.73), 27.74 ( 7.77)	And the second s			NO RESPONSE
BALDWIN EQUIPMENT		And the second s		
A C I MAN TO SERVE AND A COMP				NO RESPONSE
M & I EQUIPMENT				
& ENGINE COMPANY		MAN AND AND AND AND AND AND AND AND AND A		
man of the control of		144 141 1 2 CTAP   1 4 MIN   1 4 MIN		NO RESPONSE
TRI-COUNTY	1		24. Section 1. Section	
IMPLEMENT, INC		249 M M M M M M M M M M M M M M M M M M M	- Carrier - Commence -	
The state of the s			The state of the s	NO RESPONSE
SOUTHERN PRIDE				1
LAWN CARE				1
		100000000000000000000000000000000000000		

emorquariogs: To accept the low bid of \$8,965.25; from R & R PRODUCTS, INC.

Director of Golf

Puchasing Manager

Councilmember Ford moved to accept the low bid of R & R Products, Inc. provided all specifications are met, for the purchase of golf mower reels and parts at Quail Creek Golf Course. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote. This purchase will be funded by the Golf Operating Funds.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:44 p.m.

Robert C. Gentle, Council President

Lisa A. Hanks, City Clerk