

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 Thursday, 6 March 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 Assistant City Clerk Lisa A. Hanks. City Clerk Geniece W. Johnson was absent.

There being a quorum present, Council President Gentle called the meeting to order. The invocation was given by George Yeend, Deacon at St. Lawrence Catholic Church and the Pledge of Allegiance was recited. Councilmember Stankoski moved to approve minutes of the February 25, 2008, regular meeting. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Mayor's Comments and Staff Reports:

- Mayor Kant addressed the City Council regarding the following two items:
  1. The Highway 104 and Greeno Road bid will be voted on tonight. The Governor has signed off on this project twice and we are ready to begin the changes. The main reason this project needs to be approved is for safety issues. There have been eleven (11) accidents, involving twenty-two (22) vehicles at this intersection.
  2. When we write the letter for Parker Road to the Alabama Department of Transportation, we need for Village North to be a part of this letter.

Barry Roberts, President of Board of Directors for The Haven, addressed the City Council requesting that they deny the resolution for the Baldwin County Animal Shelter. There are many reasons for our opposition to this resolution. The following documentation was submitted on behalf of The Haven.

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**TO:** Fairhope City Council Members and Mayor of Fairhope

**FROM:** Barry Roberts, President of Board of Directors for The Haven

**Executive Summary: Recommended Denial of Baldwin County Animal Shelter Resolution**

After reviewing the "facts" presented by Baldwin County Officials and their representatives, I recommend, in the strongest terms possible, that the Fairhope City Council and the Mayor of Fairhope deny the resolution sought by Baldwin County Officials requesting support from the City of Fairhope with regard to construction of a new and larger central County Animal Shelter. **It is not in the best interest of the citizens and taxpayers of Fairhope to be committed to supporting the County's objectives via a resolution which implies financial support for the next 20 years or more.** A non-monetary resolution of support could be considered acceptable, if and only if, the financial obligations attached were null and negligible. I submit this recommendation as a resident of the City of Fairhope, and as an individual that is knowledgeable in the subject of animal shelter operation and management. The basis supporting this recommendation is as follows:

- 1.) The County has failed to provide compelling data that the current county animal shelter needs are a direct result of the City of Fairhope's current policies and partnerships with regard to animal control programs. It could also be argued that the largest need is from the County population and not from the Municipalities.
- 2.) The plan presented by the County includes premiums that exceed norms for construction costs, appears to be deficient in operating revenues compared to current services the citizens of Fairhope receive for funds forwarded; and would grossly "under-deliver" with regard to animal placement percentages relative to Fairhope's current animal control and shelter operation agreement/partnership.
- 3.) The concept of "forcing" third parties (Vet clinics / offices) to collect, allocate, and accept overall responsibility for taxes/fees that the County would impose upon those Baldwin County citizens that seek proper care and attention for their pets is an unfair and unjust imposition on the businesses that provide this care, as well as being unfair to those pet owners that seek professional healthcare for their animals.
- 4.) Services within the City of Fairhope would decrease with regard to Animal Control issues. Response time for the City's Animal Control Officer would be severely impacted ( potential double or triple the time between calls and response presence), increase operating cost (additional mileage, fuel costs, vehicle depreciation and insurance issues), as well as create controversy with respect to lost and recovered pets that are not successfully retrieved from a County facility in a timely manner by their owner(s).

Respectfully submitted,



Barry Roberts

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**Premise or basis of the approach is incorrect:**

Baldwin County states “this is a municipal problem” when referring to the growth in animal control needs, as well as shelter expansion needs at the county site.

The need for animal control is a municipal issue by state law, but the statistics provided by the county relative to population breakdown by location can be summarized as follows:

Baldwin County (not within a municipality):	51.6%
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Three municipalities with some form of animal control, w/ shelter and adoption program:

Daphne	11.8%	
Fairhope	8.9%	
Bay Minette	5.6%	(subtotal 26.3%)

All other County Municipality populations	22.1%
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It appears that only 73.7 % of Baldwin County needs this proposal in its entirety, with the remaining 26.3% having “decision space” with regard to the proposal.

Only 22.1% of the County’s population has a “problem” to be addressed as municipalities.

**“Peer Pressure Tactics”**

“All the councils indicated a desire to participate”

**Opinion:** based upon not hearing the words “No Thanks”.

**Fact:** not all the councils approached by the County have effective alternatives to utilizing the County Shelter.

And

**Fact:** not all the councils approached by the County have partnerships and detailed insight into shelter operations with very low euthanasia / high adoption rates that the City of Fairhope has.

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### Proposed Construction Costs

Clarity points:

Is the cost to construct the facility being proposed actually \$6,700,000? If so, where is the bond interest and other borrowing related costs that can be translated into a Net Present Value?

Is the proposed cost amount for all future sections to be built or is it lower square footage than complete plan?

Let's pick some numbers and run some comparisons:

Assumptions: Estimated total cost:	\$6,700,000
Area of office and dock/storage building (scaled)	7000 ft sq
First Kennel / Run of Cages	4600 ft sq
Second Kennel / Run of Cages	4600 ft sq
Third Kennel / Run of Cages	4600 ft sq
4 <sup>th</sup> Half Kennel and 5 <sup>th</sup> Half Kennel	4600 ft sq
Estimated square feet (first kennel+support areas +10%):	12785 sq.ft.
Estimated cost per square foot	\$520/sq. ft.
Estimated square feet (two kennels+support areas+10%):	17393 sq.ft.
Estimated cost per square foot	\$385/sq. ft.
Estimated square feet (three kennels+support areas+10%):	22002 sq.ft.
Estimated cost per square foot	\$305/sq. ft.
Estimated square feet (all kennels+support areas+10%):	26611 sq.ft.
Estimated cost per square foot	\$252/sq. ft.

### Logic Check

This compares to a luxury home that includes all internal features (plumbing, floor coverings, appliances, lights, landscaping) and the lot to build upon for about \$200 - \$220 per sq.ft.

Now utilize a publicly available construction cost estimator on the internet:

Assume 19600 sq ft of Kennels in masonry block wall with slab on grade floor,  
7000 sq ft of Office Building in masonry block wall on slab.

Projected construction cost is \$1,200,000 or roughly \$45/sq. ft.

To be conservative for missed items and details not covered, use \$2.4 million or \$90 / sq.ft.

**The quoted number is still not close!**

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**Concept of Vets collecting County imposed fees (licensing or other):**

**Is it fair for those that properly care for their animals to pay taxes / fees to compensate for those animal owners that allow their animals to become neglected and a “shelter animal candidate”?**

No, it is not fair to select out caring owners of pets to carry the burden of negligent owners. The burden should be equally shared by all residents when negligent owners can not be held accountable.

**Does each and every Veterinary Clinic / Office have the available (un-utilized) resources to accomplish the increased record keeping tasks the County fees would require?**

Most likely no. Nearly all Vet Clinics are small business run with a very sharp eye on the bottom line. Spare resources are not to be found, and frequently part time helpers are employed or wanted to complete all of the tasks on hand. Regardless, increased costs to the Vet will be passed on to pet owners via increased pet health care costs.

**How does each municipality ( and the county ) get “credit” for licensing fees paid by residents?**

Vet clinics are not equally spread among all municipalities, so location of Vet clinics for credit on fees received is not logical or fair. Tracking and location determination by the Vet clinic personnel is dependent on knowledge and frequency of updates with regard to municipality bounds and annexations, which still leaves many municipalities at risk of not getting credit for fees paid by residents. Declaration of customers is only moderately logical and is still subject to accuracy and knowledge “deficits” and increases record keeping costs.

**Voluntary Licensing Collection**

The concept of Vets to collect the county fees is a key basis for future support assumptions: voluntary licensing will grossly miss the majority of the animals.

The basis for claiming this starts with a look at Fairhope.

First of all, let me state that we love our animals here in Fairhope!

Many of the households in the city limits of Fairhope have one or more cats and or dogs. A safe “guesstimate” is about one third. Of a total population of over 12,500 residents within the city limits, that would translate to over 4000 animals within the city limits.

Fairhope has a very loosely enforced (this stated non-critically) animal tag system.

Guess how many people volunteered to visit City Hall and pay their \$1.25?

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In 2007, the City of Fairhope issued 79 dog tags and 3 cat tags. That's just over 2.1% of the animals getting "voluntary" tags. If we overestimated the number of animals by a multiplier of 2, that still leaves less than 5% of the animals getting relatively inexpensive "voluntary" tags. And we love our animals!

So enforcement via Vet offices / clinics and denial of rabies tags is a logical if unfair approach. I state unfair, because many of the animals (not all, but many) that the county deals with may never have been to the Vet, and as such they would be "cared for" at a County center supported by fees paid by animal owners that take care of their pets by seeking proper healthcare, immunizations, and overall counsel on animal well being. The net implication: Should those that care for their animals the best way possible pay for the minimal care of neglected or undercared for animals? It's a "burden" on those that "do right to cover for those who don't".

### Annual Operating Cost Scenarios

Current cost to City of Fairhope of partnership with The Haven (with 92% animal placement rate and current volunteer levels)	\$60,000
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County official Michael Thomas states that Cities with existing shelters can turn them into adoption centers.

Total Cost Analysis for City of Fairhope (with middle results from Cnty to Haven):

Annual cost of construction sent to Baldwin County for Proposed Cnty Shelter	\$25,331
Annual operating costs sent to County for Proposed Cnty Shelter	\$36,263
Annual cost of operating Fairhope adoption facility (current site only)	\$100,000
(implies 2 employees for site only work, 50% est. animal placement)	_____

Estimated Annual Total Animal Control Costs for City of Fairhope	\$161,594
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Total Cost Analysis for City of Fairhope (with equal results to current Haven):

Annual cost of construction sent to Baldwin County for Proposed Cnty Shelter	\$25,331
Annual operating costs sent to County for Proposed Cnty Shelter	\$36,263
Annual cost of operating Fairhope adoption facility ( plus offsite work )	\$330,000
(implies 3.5 volunteers for all work, 92% est. animal placement)	_____

Estimated Annual Total Animal Control Costs for City of Fairhope	\$391,594
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NOTE: Adoption centers alone do not place the number of animals that offsite events which reach out to the adopting public do. Offsite events require volunteer time, publicity, equipment ( trailer + vehicle to tow, cages, tables, shades/awnings, etc.) all of which add to the overall adoption success rate, but add to the annual operating cost as well.

Construction cost, annual operating cost and population splits by municipality are from late 2007 meeting notes between Baldwin County Commission and Baldwin County Mayors Regarding Animal Control.

Estimated areas of construction square footage are scaled (using generous allowances) from scaled architectural drawings provided to the Fairhope City Council by the County representatives dated Feb. 7, 2008.

The publicly available cost estimate was obtained on the internet at [costest.construction.com](http://costest.construction.com) and utilizes all the inclusions/exclusions that website links to an estimate.

Haven related numbers / costs are inserted where needed for comparison basis.

Councilmember Quinn introduced in writing the following resolution, a resolution in support of a new and larger County animal control facility. Councilmember Quinn said the County came and talked to the City Council and wants to collect a fee from pet owners. This would be a door to door collection. The veterinarians would be taking up the fee for the County. I spoke to three (3) vets and they do not want to do this. The County would pick up all dogs and cats and we would only get the ones to be adopted. If your dog or cat gets out, you would have to go to Magnolia Springs to pick up your animal. Fairhope has 500 animals per year. This facility would allow for one hundred twenty (120) more runs for the County Shelter.

Council President Gentle stated the County should come to Fairhope and visit The Haven to use as an example. Councilmember Ford read allowed the costs and area of the proposed building. He said the costs seem excessive. Mr. Roberts said this was an unconditional way to handle the calculations. Part of the fog is in their calculations.

After further discussion, Councilmember Quinn moved to deny the resolution supporting a new and larger County animal control facility. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Councilmember Christenberry introduced in writing the following resolution, a resolution authorizing Mayor Kant to execute an agreement between the City of Fairhope, Alabama Department of Transportation, and Regency Centers Corporation, for the installation of a traffic signal at the intersection of U. S. Highway 98 and Parker Road in Fairhope, Alabama. The total cost to install the traffic signal will be 100% funded by Regency Centers Corporation. The Alabama Department of

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Transportation ("ALDOT") will do a warrant study with the possibility of a signal light. Councilmember Ford asked; why is there not a light at Veterans Drive? Councilmember Quinn replied; there is not one warranted at this time. Councilmember Christenberry commented that ALDOT stated more accidents are involved at traffic signals than other intersections. After further discussion, Councilmember Christenberry moved for the adoption of the resolution. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

**RESOLUTION NO. 1442-08**

**WHEREAS**, The City of Fairhope shall enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation, and Regency Centers Corporation (hereinafter referred to as Permittee) for the installation, maintenance, and operation of a traffic signal at the intersection of U. S. Highway 98 and Parker Road in Fairhope, Alabama;

**WHEREAS**, This Agreement requires participation by the City of Fairhope, the State of Alabama, and the Permittee for the installation of a traffic signal at the above mentioned intersection. The Permittee will furnish and install the equipment and/or associated hardware utilized in the accomplishment of the work. The total cost to install the traffic signal will be 100% funded by the Permittee; and

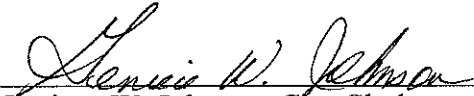
**WHEREAS**, In the event the State contributes funds to the work, the Permittee will be credited or debited for the under-runs or overruns.

**BE IT RESOLVED**, by the City Council of Fairhope, Alabama that Mayor Timothy M. Kant is hereby authorized to execute an Agreement between the City of Fairhope, the State of Alabama, acting by and through the Alabama Department of Transportation, and the Permittee for the installation, maintenance, and operation of a traffic signal at the intersection of U.S. 98 and Parker Road in Fairhope, Alabama.

Adopted and Approved this 6th day of March, 2008.

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

Attest:

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



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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 Dogwood Subdivision for maintenance. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

**Resolution No. 1443-08**

**WHEREAS**, the Owners of Dogwood Subdivision 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 0002367-F, 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;

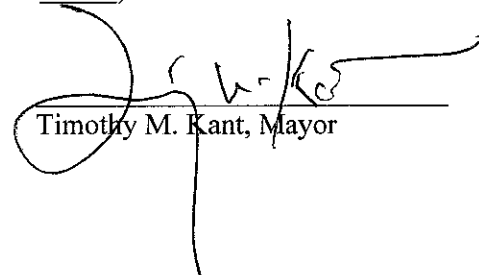
**WHEREAS**, the Public Works Director has indicated that the improvements meet City requirements, and;

**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 Dogwood Subdivision 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 Dogwood Subdivision are hereby accepted for public maintenance subject to the bond posted.

Adopted, this 6th day of March, 2008.

  
Timothy M. Kant, Mayor

Attest:

  
Geniece W. Johnson, City Clerk

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Gina Littlepage, 201 Young Street, Fairhope, Alabama, addressed the City Council requesting a speed bump to be installed on Young Street, the block between Morphy and Nichols. Captain Steve Griffis of the Fairhope Police Department addressed the City Council and presented the following traffic study at Young Street.

Nu-Metrics Traffic Analyzer Study  
Computer Generated Summary Report  
City: FAIRHOPE  
Street: YOUNG ST.- MORPHY/ HORN

*NORTH*  
*South*

A study of vehicle traffic was conducted with HI-STAR unit number 1830. The study was done in the Driving lane at YOUNG ST. MORPHY/ HORN in FAIRHOPE, AL in BALDWIN county. The study began on Jan/26/08 at 06:00 and concluded on Jan/31/08 at 07:00, lasting a total of 121.00 hours. Traffic statistics were recorded in 2 minute time periods. The total recorded volume showed 1525 vehicles passed through the location with a peak volume of 6 on Jan/28/08 at [01:06-01:08] and a minimum volume of 0 on Jan/26/08 at [12:00-12:02]. The AADT count for this study was 302.

**SPEED**

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 31 - 36 MPH range or lower. The average speed for all classified vehicles was 32 MPH with 94.31% vehicles exceeding the posted speed of 25 MPH. The HI-STAR found 2.14 percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 31MPH and the 85th percentile was 39.87 MPH.

<	11	16	21	26	31	36	41	46	51	56	61	66	71	76						
to	to	to	to	to	to	to	to	to	to	to	to	to	to	to						
10	15	20	25	30	35	40	45	50	55	60	65	70	75	>						
4	20	61	196	372	421	252	84	52	19	6	7	0	0	0						

CHART 1

**CLASSIFICATION**

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 1334 which represents 89 percent of the total classified vehicles. The number of Vans & Pickups in the study was 151 which represents 10 percent of the total classified vehicles. The number of Busses & Trucks in the study was 0 which represents 0 percent of the total classified vehicles. The number of Tractor Trailers in the study was 9 which represents 1 percent of the total classified vehicles.

<	10	12	14	16	18	20	40													
to	to	to	to	to	to	to	to													
9	11	13	15	17	19	39	>													
22	118	326	445	302	121	151	9													

CHART 2

**HEADWAY**

During the peak traffic period, on Jan/28/08 at [01:06-01:08] the average headway between vehicles was 17.143 seconds. During the slowest traffic period, on Jan/26/08 at [12:00-12:02] the average headway between vehicles was 120 seconds.

**WEATHER**

The roadway surface temperature over the period of the study varied between 37.00 and 89.00 degrees F.

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Nu-Metrics Traffic Analyzer Study  
 Computer Generated Summary Report  
 City: FAIRHOPE  
 Street: YOUNG ST.- MORPHY/ HORN

*South  
North*

A study of vehicle traffic was conducted with HI-STAR unit number 1823. The study was done in the Driving lane at YOUNG ST.- MORPHY/ HORN in FAIRHOPE, AL in BALDWIN county. The study began on Jan/26/08 at 06:00 and concluded on Jan/31/08 at 07:00, lasting a total of 121.00 hours. Traffic statistics were recorded in 2 minute time periods. The total recorded volume showed 1094 vehicles passed through the location with a peak volume of 5 on Jan/29/08 at [23:38-23:40] and a minimum volume of 0 on Jan/26/08 at [12:00-12:02]. The AADT count for this study was 217.

**SPEED**

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 31 - 36 MPH range or lower. The average speed for all classified vehicles was 31 MPH with 91.25% vehicles exceeding the posted speed of 25 MPH. The HI-STAR found 2.54 percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 31MPH and the 85th percentile was 38.59 MPH.

< to 10	11 to 15	16 to 20	21 to 25	26 to 30	31 to 35	36 to 40	41 to 45	46 to 50	51 to 55	56 to 60	61 to 65	66 to 70	71 to 75	76 to >						
0	19	74	187	274	280	133	43	26	15	9	3	0	0	0						

CHART 1

**CLASSIFICATION**

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 922 which represents 87 percent of the total classified vehicles. The number of Vans & Pickups in the study was 123 which represents 12 percent of the total classified vehicles. The number of Busses & Trucks in the study was 0 which represents 0 percent of the total classified vehicles. The number of Tractor Trailers in the study was 18 which represents 2 percent of the total classified vehicles.

< to 9	10 to 11	12 to 13	14 to 15	16 to 17	18 to 19	20 to 39	40 to >													
13	54	178	277	282	118	123	18													

CHART 2

**HEADWAY**

During the peak traffic period, on Jan/29/08 at [23:38-23:40] the average headway between vehicles was 20 seconds. During the slowest traffic period, on Jan/26/08 at [12:00-12:02] the average headway between vehicles was 120 seconds.

**WEATHER**

The roadway surface temperature over the period of the study varied between 37.00 and 85.00 degrees F.

Based on the traffic study, Captain Griffis stated there were no problems observed with the traffic flow. There were no citations of any kind written in this area to warrant the need for a speed bump to be installed. However, we will watch the area and if you have any problems do not hesitate to call the Fairhope Police Department.

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Ken Eslava, on behalf of The Harbor Board, addressed the City Council requesting a Public Works Project for repairs to mooring piling at Fly Creek Marina and the estimated cost is around ten thousand (\$10,000) dollars. The City of Fairhope will purchase all materials and have someone else install which should lessen the price of the project. Councilmember Christenberry stated that the boat slips are not free. The fees are paid on an annual basis. After further discussion, Councilmember Christenberry moved to grant the request of The Harbor Board. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Councilmember Ford addressed the City Council and stated that several citizens called him regarding the actions taken by the City Council on February 25, 2008 at the regular City Council meeting. Councilmember Ford said there were several issues he wanted to bring up and get answers from the City Council.

- The City Council broke our own rules.
- We voted 5 to nothing to ask for an Attorney General's opinion. We went to the League instead of the Attorney General.
- Ordinance No. 1330 and Ordinance No. 1225 says we have to go by the rules.
- The Council President, in order to speak, must ask someone to chair (at his/her discretion). This is usually the Assistant or someone else he chooses.

Council President Gentle said he asked City Attorney Wynne to write a letter regarding his opinion if the Mayor's veto was valid and if the City Council followed proper procedures. The following is City Attorney Wynne's letter:

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**WILKINS, BANKESTER, BILES & WYNNE**

A PROFESSIONAL ASSOCIATION  
**LAWYERS**  
 221 FAIRHOPE AVENUE  
 POST OFFICE BOX 1363  
 FAIRHOPE, ALABAMA 36533  
 TELEPHONE (251) 928-1915  
 TELECOPIER (251) 928-1967

TAYLOR D. WILKINS, JR.  
 BAYLESS E. BILES  
 MARION E. WYNNE, JR.  
 KENNETH R. RAINES  
 MARCUS E. McDOWELL  
 ROBERT W. WALLER, JR.

CLAUDE E. BANKESTER (1928-1993)  
 KREG L. MORRIS (1969-2001)

*Gentle*

*Al*

BAYMINETTE OFFICE  
 OLS TRAILWAY BUILDING  
 POST OFFICE BOX 400  
 BAYMINETTE, ALABAMA 36507  
 TELEPHONE (251) 937-7024  
 TELECOPIER (251) 937-8190

ROBERTSDALE OFFICE  
 22015 HIGHWAY 99 NORTH  
 CHICAGO STREET  
 ROBERTSDALE, ALABAMA 36567

February 28, 2008

The Honorable Tim Kant, Mayor  
 c/o City of Fairhope  
 P. O. Drawer 454  
 Fairhope, AL 36533

Council President Robert Gentle  
 c/o City of Fairhope  
 P. O. Drawer 454  
 Fairhope, AL 36533

Dear Mayor Kant and Council President Gentle:

The purpose of this letter is to clear up the status of the ordinance regarding salaries for the next mayor and council. We have all been somewhat confused about where it stands. This letter is based on my understanding of the factual history of the ordinance, numerous conversations with Tracy Roberts, legal counsel at the Alabama League of Municipalities, and my own research.

First, the veto was a valid veto. Mayor Kant followed the correct procedure to issue his veto.

Second, the council did override the veto by the required 2/3rds vote. There is a question as to whether or not the council followed its own rules in that the Motion to add the issue of the veto override to the agenda was not made, seconded and unanimously agreed to. This is a technical legal matter and it could only be answered by a challenge to the ordinance and a court ruling. Mr. Roberts said the attorneys at the League discussed this issue and decided that the council is not bound by the agenda rules unless the ordinance setting forth the agenda rules states the council cannot deviate from its rules. Ordinance 1330 does not say that. The council is not bound by the agenda. I am not sure that this is correct, but it is the opinion of the attorneys at the League. The council could instruct me to seek an A.G. opinion as to this technical issue.

The ordinance must be published after the vote overriding the veto. The first publication of the ordinance was in error and it was not signed by Mayor Kant as it appeared to be in the publication.

Russ Henderson's article in the February 28<sup>th</sup> Press Register indicates that he misunderstood what I told him, or perhaps I did not make myself clear. I did say the veto may not matter since it was overridden and an ordinance is presumed to be valid and properly enacted. The burden is on the person attacking the ordinance to show its invalidity. I did not say the fact that it had already been

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Fairhope- letter to Mayor and City Council  
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published meant that the veto did not matter. The veto does matter. A publication after veto is necessary.

At the council meeting, Council President Gentle asked me to get an A.G. opinion. However, since that time the Council may have concluded that would not be necessary. What is the status of the request for an A.G. opinion and what is the question you wish to propose? I think the question may now have changed from what it would have been immediately after the meeting.

Sincerely,



MARION E. WYNNÉ  
City Attorney, City of Fairhope

MEW/cpc

City Attorney Wynne stated Geniece Johnson, City Clerk, had the Mayor's letter in a timely manner. Council President Gentle said that City Attorney Wynne's opinion not to seek an Attorney General's opinion was based on agreeing that the veto was accepted in time and valid. His letter to the City Council asks if we still want an Attorney General's opinion and what are the questions to be asked. City Attorney Wynne said the Alabama Code Sections 11-45-4 and 11-45-5 state when a veto is presented, an override can be made and voted on. I am deferring to the Alabama

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State law which overrides the City Ordinance in my opinion. Councilmember Ford said to City Attorney Wynne; "I am not questioning your opinion, I just want to know if the procedures were proper and the veto was proper." Council President Gentle said you were voted down with the veto overturn. Councilmember Stankoski said the facts have changed, but you still can get an Attorney General's opinion.

Council President Gentle commented that City Attorney Wynne said that State law overrides the City of Fairhope's Code. Do you want an Attorney General's opinion? What did we do wrong?

Councilmember Christenberry defended City Attorney Wynne. When the letter was read by Assistant City Clerk Lisa Hanks, Mr. Wynne began looking at the rules for elected officials. A veto has never happened in the history of Fairhope. I wish we could have a "Come to Jesus", a knock down drag out meeting to get this out in the open.

Council President Gentle said the Ordinance was published and the next salaries will be what were published. City Attorney Wynne stated the veto and the override is valid. Councilmember Ford mentioned he tried to call a special meeting, but it never happened. No one would agree to the meeting. You needed two Councilmembers to call the meeting.

Councilmember Stankoski stated that the last City Council meeting was a very unusual meeting. It was Government by ambush. It was a legal ambush. However, it does not meet the spirit of the City of Fairhope. We asked if we could undo the veto.

Councilmember Ford said this all started with inappropriate remarks by the Mayor; and then, the Council with the Governmental Structure Committee. Council President Gentle asked; are you talking about the night I appointed Chuck Zunk? Councilmember Ford replied yes, you talked about ambush Councilmember Stankoski, the Mayor and I were ambushed when this committee was appointed. So you started it.

Councilmember Christenberry thanked Sherry Sullivan for the press releases she sends to each Councilmember. However, we never received the one from last week. The Mayor was out of town. I found out about the press release from the newspaper reporters.

Councilmember Ford stated he didn't want to see the City self-destruct. We need to meet and let it all hang out. We did this once with "The Triangle" and got everything all out. Council President Gentle said it is going to take everyone here and we need to be transparent. We struggled with the salary issue at the last two meetings.

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Councilmember Ford said he thought we had an agreement to hold the special meeting. He also mentioned the Mayor made a comment that he might be going to veto the ordinance.

Mayor Kant told the City Council that if they were going to get an Attorney General's opinion they need it in the form of a resolution with specific questions. Council President Gentle stated that the initial question was "Is the veto valid?"

Councilmember Stankoski said we were challenging the validity of the time the letter was received and we have that answer. We all agree with that. What is the question you want asked?

Council President Gentle asked Councilmember Ford was the question to be asked; "Was the veto legal?" Councilmember Ford replied we need to ask about the veto, procedures, and discussion proper.

City Attorney Wynne said you must state specifically what you want to ask in the form of a resolution. The Council must instruct me to seek an Attorney General's opinion. I cannot ask for an opinion for one person. It must be the entire City Council seeking the opinion.

Councilmember Quinn stated the question was moot and the knowledge of the facts changed. Councilmember Stankoski said the question for the Attorney General originally asked "was the veto in the envelope legal?" Councilmember Quinn commented she wished the Mayor had come to us before he presented the veto. It was disrespectful not letting the Council know ahead of time.

Councilmember Quinn moved to rescind the request for an Attorney General's opinion since facts have changed. Seconded by Councilmember Stankoski, motion passed by the following voice votes: AYE - Quinn, Stankoski, Christenberry, and Gentle. NAY - Ford.

Council President Gentle told the City Council lets all get together and air this out. He held up pages of the Code of Alabama and stated we all need to know these. The Assistant City Clerk was asked to make copies of the documents and put in the Councilmember's boxes and give a copy to the Mayor. He mentioned the press may want a copy too. He told Councilmember Ford that when we sit down together, we will discuss the code.

City Attorney Wynne addressed the City Council and asked "am I to understand, I am not to get an Attorney General's opinion." Council President replied that is correct.



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Councilmember Stankoski addressed the City Council and asked that the Street Committee minutes from their March 5, 2008 meeting be made part of the minutes. The following are the minutes from the Street Committee:

The Fairhope Street Committee met Tuesday, March 5, 2008 at the City Administration Building, 161 N. Section Street

Present: Councilman Dan Stankoski, Councilman Cecil Christenberry. Councilwoman Debbie Quinn, Mayor Tim Kant; Gregg Mims, City Planner; Jennifer Fidler, Public Works Director; Ken Eslava, Asst. Public Works Director; Dan Ames, Purchasing Agent. Jamie Lowell, Volkert & Assoc. John Cameron, P.E., Volkert & Assoc. Nick Amberger, ALDOT, Wayne Curry ALDOT. Eric Dyas, Craig Dyas, Jane Jackson. Absent: Bob Gentle

The meeting tonight was to discuss the proposed traffic/road improvements at Hwy 104 & Greeno Road by the City and State that will be considered at the March 6 City Council meeting. A letter was received by the City from Eric Dyas (attached to minutes) asking that he be informed of any improvements planned adjoining Village North. The Street Committee met to discuss the awarding of the bid before being brought to the March 6 City Council meeting. Dan opened the meeting and asked John Cameron of Volkert to advise those present on what is before the Council. He said they had sought bids on Fairhope Intersection Improvements – AL 104 & US Hwy 98 and opened bids on 2/12/08. After bid tabulation their recommendation was to award the bid to the low bidder Summit Industries with a bid of \$632,389.60 and told of the improvements planned – adding a right turn lane on 98 and Veterans Drive going to AL Hwy 104, widening Hwy 104 at the intersection of Hwy 104 and US 98 and installing a left turn lane with improved light, and not allowing northbound traffic into the crossover at the intersection of US 98 and Veterans Drive, all northbound traffic will be directed to a right turn once they get to US 98. It was noted that 50% of this project will be reimbursed by ALDOT. Discussion followed and Dan asked the ALDOT representatives what they would recommend, go forward or not go forward. Wayne Curry responded it would be hard to walk away from now, they would recommend to ahead with the plan. Everything had been approved by the state, bids let and approved, and there is an immediate need for improvements at the Veterans Drive and Hwy 98 intersection. Dan said it has always been the goal of the City to look forward down the road, what the traffic situation might be in 5-10 years from now, and to move traffic safely. The question was asked what would happen when Village North is developed would a stop light be approved at Veterans Drive and US Hwy 98 if requested. Mr. Curry replied that once these improvements are put in place the state would not participate in improvements at Veterans Drive and US Hwy 98. It would be up to the developer and he would have to submit a letter to request a light, and as before a traffic study would be done to determine the need. Dan questioned if these proposed improvements need to be done today and ALDOT responded yes.

Craig Dyas asked and was told the cost of doing the proposed improvements. Craig asked if a signal is placed at Parker Road and Hwy 104 will the problems at Veterans Drive be alleviated. No one knew for sure. Wayne Curry said there is nothing written in stone that a traffic light could not be placed at Hwy 98 and Veterans Drive in the future, the state would

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just not participate in this. Eric Dyas said in 2002 they submitted a plan for PUD and it was approved and at that time a traffic light was proposed for Veterans Drive and Highway 98 and that their plan that they worked so hard with, and approved by the City, and everyone agreed to goes hand in hand with road proposals at that time. Eric said this new plan will cut the traffic at their PUD 50%. Cecil Christenberry asked isn't Veterans Drive still going to have two way traffic and he was told yes. Further discussion led to Craig asking why couldn't these improvements be phased in. Wayne Curry said again that something needs to be done now about the Veterans Drive and US 98 situation that ALDOT is entrusted with doing the safest thing for the community and also prudent use of state funds. Dan said that this has been discussed in at least six public meetings since April 05 and it was never anyone's intent to cut them out of anything, these meetings had been publicized. Debbie and Jennifer said this plan is nothing new. The plan to install a roundabout at one time was talked about and Volkert said they had also done the work on that plan so when that one was not used they were still able to come up with design for this plan. Nick Amberger said the people will still come to the planned PUD they will just leave in a safer way. Eric Dyas said he disagreed. The light at Parker Road was asked about and it is also on the agenda to be considered March 6<sup>th</sup> City Council meeting. Volkert said they have done the study but this is still a state road and they have to permit it. The question was asked what if this is not done now and Wayne Curry responded that it is a lengthy process and it may take years before it is approved again, that we have a good plan, funding approved go ahead with it, if not approved now the money will be used elsewhere. Eric Dyas asked if their traffic study was included in plans and Volkert said yes, documents had been received from Bill Metzger and included in traffic study. Nick Amberger said that they sit across from people every day who propose projects and they have to act on what is there now, even if this PUD is developed in the next year this is plan for now and will improve traffic situation. Eric Dyas said they are concerned as anybody about traffic situation but do not want to undermine their project. Wayne Curry said the worse that could come would be three signalized intersections, these improvements are best for the area today. Craig asked about phasing this in again and was told that all three changes would need to be done to accomplish these improvements and it needs to be addressed now. Dan asked what if the City Council did not approve bids March 6<sup>th</sup> and was told the process would have to start over again; that they have 20 days from date bid was opened to act. Further discussion led to Dan asking if anyone had anything other to add that has not already been discussed.

After all the discussion no action was taken. Meeting was duly adjourned at 6:30 PM.

6 March 2008

MRP-6-2008 09:53 FROM: FAIRHOPE BLDG 12515962979 TO: 99900187 P.3/5  
FEB-13-2008 14:22 MILLER HAMILTON P.02

**MILLER, HAMILTON, SNIDER & ODOM, L.L.C.**  
ATTORNEYS AND COUNSELORS AT LAW

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WILLIAM H. HAMILTON  
MICHAEL A. GIBSON  
JEROME A. LEWIS, JR.  
DUSTIN B. BISHOP  
CHRISTOPHER G. HARRIS, III  
NICHOLAS A. WOODSON  
NATHAN G. WOODWARD  
JOSHUA A. RALLINS  
JAMES BERNARDINI  
CHRISTOPHER S. SUFFOLK, IV  
WILLARD H. HARRISON  
MICHAEL J. BISHOP  
CHRISTINA WATSON  
ERIC J. DYER  
DALE G. PERKINS  
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THEODORE A. LEWIS, III  
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56 ROSENBLUM  
3450 W. W. HARRIS, III

February 13, 2008

ALL SERVICES IN ALABAMA  
ATTORNEYS ALSO LICENSED IN DISTRICT OF COLUMBIA,  
FLORIDA, GEORGIA, ILLINOIS, MISSISSIPPI, NEW YORK,  
PENNSYLVANIA, TEXAS AND VIRGINIA

Reply To:  
Mobile, Alabama  
Direct Dial (251) 433-7718  
Direct Facsimile (251) 433-4106  
http://www.mhsllc.com

**VIA FACSIMILE 928-6776**

Mayor Timothy M. Kant  
City of Fairhope  
P.O. Drawer 429  
Fairhope, Alabama 36533

Re: Traffic/Village North

Dear Mayor Kant:

As a follow up to our conversation on Monday, and at the suggestion of Gregg Mims yesterday, the purpose of this letter is to summarize the grave concern that my family members and I have concerning the City's proposal to alter the roadways and traffic flow surrounding our property at the north end of town.

I have been aware, for some time, that the City has been contemplating work intended to improve the flow of traffic in this area. As far back as late 2006 I expressed concern about the impact changes to traffic in this area could have on the property that my family owns there. In a letter to Public Works Director Jennifer Fisher dated January 2, 2007, copies of which were provided at that time to Councilman Dan Stanekski and Council President Bob Gentle, I reiterated this point and requested that I be kept abreast of developments on this subject. Only as a result of having seen an Advertisement for Bids in the Public Notice section of the Fairhope Courier a couple of weeks ago did

ONE COLLEEN, SUITE 300  
ELITE 9401  
MONTGOMERY, ALABAMA 36117  
(205) 934-3621

700 MICHELLE PLAZA  
SUITE 701  
MOBILE, ALABAMA 36688  
(251) 991-3333

204 1/2 STREET, N  
2103 202  
BIRMINGHAM, ALABAMA 35203  
(205) 426-5555

1770 PRAIRIE STANT, N  
SUITE 1007  
ATLANTA, GA 30341  
(404) 962-0770

1300 COMMONWEALTH BLVD, SW  
SUITE 800  
WASHINGTON, D.C. 20004  
(202) 462-8211

6 March 2008

MAR-6-2008 09:53 FROM:FAIRHOPE BUILD 1251932875 TO:50000187 P.4/5  
 FEB-13-2008 14:22 MILLER HAMILTON P.03

Miller, Hamilton Snider & Odom, L.L.C.

Mayor Timothy M. Kant  
 February 13, 2008

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I learn that this project had apparently reached the point where not only had decisions been made concerning the intended improvements, but bids were being sought in order for the City to contract the work to be done.

It is my understanding that the project for which bids have now been let is intended to ameliorate problems that currently exist, and have existed for some time, at the intersection of U.S. Highway 98 and N. Section St. More specifically, I understand that this work involves "improving" the intersection of Alabama Highway 104 and U.S. Highway 98 by adding a turn lane to 104 and then forcing northbound traffic on Section Street to access U.S. Highway 98 north from 104 rather than from N. Section St. As part of that effort, it is my understanding that northbound traffic on N. Section Street, at its intersection with U.S. Highway 98, will be permitted to turn right (southbound) only. In effect, the proposed solution to the longstanding traffic problems at the U.S. Highway 98/N. Section Street intersection is to prevent northbound traffic on N. Section Street from using this intersection.

In my conversation with you and with Mr. Mims, I have attempted to outline the many concerns that I have with this proposal. It is not my intention to belabor these many specific concerns here. Instead, I simply wish to underscore the broader point that a change of this nature will, in our view, significantly undermine the viability of the Village North PUD previously approved by the City, which approval formed the basis of my family's willingness to settle our long-running dispute with the City in late 2002. By effectively eliminating 50% of the traffic from the heart of this proposed development, it is our view that the plan would be eviscerated.

You may recall that during the development of the Village North PUD in 2002, it was understood by my family and by the City that a light was needed at the intersection of N. Section Street and U.S. Highway 98. In the traffic study prepared by Bill Metzger as part of the Village North PUD application, Mr. Metzger confirmed that a need for a traffic signal existed at that time and recommended that one be installed irrespective of whether the Village North PUD was constructed or not. In addition, the Village North PUD ordinance itself acknowledged the City's plan to install a light there.

In short, it has been generally understood for many years that the solution to the problems that have existed at the intersection of U.S. Highway 98 and N. Section Street would be addressed through the installation of a traffic signal at that location. The Village North PUD was developed with that understanding clearly in mind. I am at a loss to comprehend why the City would now propose an alternative solution particularly when such solution is more expensive, will result in significant amounts of additional traffic being routed next to a neighborhood that has vehemently opposed proposals believed to result in increased traffic, and will so adversely impact our previously approved development.

<sup>1</sup> During our conversation on Monday, I believe you indicated that the cost of the traffic signal at Section Street would be approximately \$100,000. It is my understanding that the City's share of the low bid for the work being proposed on

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MAR-6-2008 09:54 FROM:FAIRHOPE BUILD 12519902679 TO:9990107 P.5/5  
FEB-13-2008 14:22 MILLER HAMILTON P.04

Miller, Hamilton Snider & Odom, L.L.C.

Mayor Timothy M. Kant

February 13, 2008

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With the foregoing in mind, I respectfully request that the pending proposal be discontinued and that the City instead implement the improvements to the U.S. 98/N. Section St. intersection that have long been contemplated. I look forward to your thoughts on this matter and would appreciate your advising me at your earliest convenience of the City's intentions going forward.

Very truly yours,



Eric J. Dyer

Enclosure

cc: Mr. R. F. Poiroux, PE (via facsimile 470-8204)  
Mr. Wayne Currie (via facsimile 470-7739)  
Mr. Cecil Christenberry (via facsimile 928-6776)  
Mr. Mike Ford (via facsimile 928-6776)  
Mr. Bob Gentle (via facsimile 928-6776)  
Ms. Debbie Quinn (via facsimile 928-6776)  
Mr. Dan Stankotki (via facsimile 928-6776)  
Mr. B. Gregg Mims (via facsimile 928-6776)



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Councilmember Stankoski continued by stating that Judge Floyd came to the City Council to ask to calm traffic at the Woodlands. We were told it was a State owned road. When the study was done, we asked for "The Triangle" to be included in all discussions and studies. The Alabama Department of Transportation ("ALDOT") told the Street Committee; regardless of what you do, this project needs to be done to correct these intersections. As the Mayor mentioned previously, there have been eleven (11) accidents at the Veterans Drive and Greeno Road intersection. Fortunately there was not loss of life, only property damage.

He explained the new and recommended traffic turns, signals, and the only turn South on Greeno Road off of Veterans Drive. The Governor has signed off on the plan. Most of the cost will be for the turn lanes. As for "The Triangle", ALDOT will look at once it is developed. We will spend the least amount of money for the safety of the City. The Street Committee did not accept or deny this bid. I will not vote on this issue because I live near "The Triangle" property.

Council President Gentle asked; when do the bids expire? Dan Ames, Purchasing Manager, replied; after the bid is accepted from the lowest bidder, he/she has twenty (20) days to return their bond and certificate of insurance.

Eric Dyas addressed the City Council and stated he was a property owner adjacent to the intersection in question. He asked Mr. Ames, what is the date for bids, March 13<sup>th</sup>? Mr. Dyas said; I appreciate what Councilmember Stankoski has said and what has happened. The following are a handful of facts that need to be mentioned:

- In December 2002, the PUD Plan was approved with a host of understandings: Village Center would be on Section Street. The Council did not want the commercial part on Highway 98 (Greeno Road). There would be a two-way arterial street.
- These intersection improvements will alter all traffic, it will fundamental change). Prior to December, when the PUD came on line, a traffic signal was going to be placed at Veterans Drive and Highway 98 (Greeno Road). Bill Metzger told me it was not up to the City Council for a traffic signal. If ALDOT does not warrant a signal, one will not be installed.
- Our land developer said it is going to be a big problem. If the project is done, our PUD Plan will be giggered. We want to work with the City. I am in accord with that. If this is done, we will be in a box and permanently damaged.
- In December, we thought everyone was in agreement. We would have met with the Street Committee and brought our developers to speak with you.

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Dan Ames stated that after twenty (20) days, the lowest bidder can give us an extension in writing if he/she wishes. Council President Gentle asked; what was ALDOT's position on this project? Councilmember Christenberry responded; it is all or none. You either do one or none. Public safety is first, but we should help all parties.

Councilmember Quinn commented that Councilmember Stankoski stated we have had twenty-nine (29) meetings and conversations regarding this issue. We made sure there was two-way traffic and it was not cut off. The Village Plan is supposed to serve around one and a half miles not the whole Eastern Shore. Councilmember Ford said; "I understand Eric's stand and feel we should extend the bid and discuss later."

Mr. Dyas stated that experts have commented we are going to be in a pinch if the intersection improvements go through. Council President Gentle asked; why don't we go ahead and approve this for safety. He suggested getting Mayor Kant to write a letter to ALDOT asking them to look at the Village North PUD when it comes on line for a traffic light study.

Councilmember Quinn commented the improvements were for public safety and no one wants to see lights at every intersection. Mr. Dyas stated you don't want one at Veterans Drive because you just authorized a light at Parker Road for Corte. Councilmember Christenberry said a nice lady from Colonial Acres was concerned with four (4) lanes on Highway 104. He commented there was no right answer now. Mr. Dyas stated that in 1972, the thing that stood out or was a stumbling block was opposition from Colonial Acres and Highway 104 Northbound next to that neighborhood.

After further discussion, Councilmember Ford moved to extend the bid and look into the project further. Seconded by Councilmember Christenberry, motioned failed by the following voice votes: AYE – Christenberry and Ford. NAY – Quinn and Gentle. Councilmember Stankoski recused himself.

Council President Gentle said the best way to solve this issue is to approve the bid and have the Mayor write a letter to ALDOT. Councilmember Quinn reiterated that ALDOT said no matter what we do, this intersection needs to be fixed. Councilmember Ford said we are renegeing on approval we gave to Dyas six (6) years ago.

Both Councilmember Quinn and Councilmember Stankoski said this was a three (3) piece deal. Councilmember Stankoski said if you go forward with the bid, you can't pick and choose; all three (3) must be done together. Council President Gentle asked; how long did you go over this last night? Councilmember Stankoski replied one and a half hours; he stated that in November 2005, Mr. Dyas asked for a traffic survey.



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“You had to have known something was going on here.” Mr. Dyas replied in December a light was approved with the Village North PUD Plan. ALDOT didn’t care and didn’t look at any of this.

Councilmember Quinn said if we postpone this, we do not have time to vote on the bid. Mr. Ames stated if we write a letter to the lowest bidder to extend, there are no guarantees to the extension and will ALDOT agree to this extension.

After further discussion, Councilmember Quinn moved to accept the low bid of Summit Industries, LLC provided all specifications are met, for Fairhope intersection improvements at Alabama Highway 104 and U. S. Highway 98 (Greeno Road) and to request ALDOT to work with the City and “The Triangle” developers at the intersection of Veterans Drive and Highway 98 (Greeno Road) when that development comes on line. Seconded by Councilmember Christenberry, motion passed by the following voice votes: AYE – Quinn, Christenberry and Gentle. NAY – Ford. Councilmember Stankoski recused himself. This purchase will be funded by the Gas Tax with approximately fifty (50) percent to be reimbursed by ALDOT.

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CITY OF FAIRHOPE  
 BID TABULATION  
 BID NO. 002-08 PAD AND POLE MOUNT TRANSFORMERS 25 KVA - 1000 KVA  
 2/19/2008

	QTY	SIZE	PRICE EACH	TOTAL PRICE	DELIVERY IN WEEKS	TYPE
BRASFIELD SALES, INC.				NO BID		
GRAYBAR ELECTRIC, INC.				NO RESPONSE		
GRESKO/CAPSTONE UTILIT				NO RESPONSE		
MAYER ELECTRIC				NO REPOSE LATE		
SOLOMON CORP.				NO RESPONSE		
UTILICOR				NO RESPONSE		
UTILITY POWER, INC.				NO BID BOND		
HD SUPPLY UTILITIES	2 EACH	75 KVA	\$ 6,240.00	\$ 12,480.00	10TO12	(SPEC 2a) 3 PHASE PAD MOUNT
HD SUPPLY UTILITIES	3 EACH	150 KVA	\$ 7,131.00	\$ 21,393.00	10TO12	(SPEC 2a) 3 PHASE PAD MOUNT
HD SUPPLY UTILITIES	3 EACH	500 KVA	\$ 11,750.00	\$ 35,250.00	10TO12	(SPEC 2a) 3 PHASE PAD MOUNT
HD SUPPLY UTILITIES	3 EACH	750 KVA	\$ 16,290.00	\$ 48,870.00	10TO12	(SPEC 2a) 3 PHASE PAD MOUNT
HD SUPPLY UTILITIES	1 EACH	500 KVA	\$ 11,320.00	\$ 11,320.00	10TO12	(SPEC 2b) 3 PHASE PAD MOUNT
HD SUPPLY UTILITIES	1 EACH	1000 KVA	\$ 17,535.00	\$ 17,535.00	10TO12	(SPEC 2b) 3 PHASE PAD MOUNT
HD SUPPLY UTILITIES	15 EACH	50 KVA	\$ 1,660.00	\$ 24,900.00	10TO12	(SPEC 2c) 1 PHASE PAD MOUNT
HD SUPPLY UTILITIES	10 EACH	100 KVA	\$ 2,315.00	\$ 23,150.00	10TO12	(SPEC 2c) 1 PHASE PAD MOUNT
HD SUPPLY UTILITIES	10 EACH	25 KVA	\$ 737.00	\$ 7,370.00	10TO12	(SPEC 2d) 1 PHASE PAD MOUNT
HD SUPPLY UTILITIES	10 EACH	50 KVA	\$ 1,175.00	\$ 11,750.00	10TO12	(SPEC 2d) 1 PHASE PAD MOUNT
STUART C. IRBY	2 EACH	75 KVA	\$ 5,715.00	\$ 11,430.00	20TO25	(SPEC 2a) 3 PHASE PAD MOUNT
STUART C. IRBY	3 EACH	150 KVA	\$ 6,770.00	\$ 20,310.00	20TO26	(SPEC 2a) 3 PHASE PAD MOUNT
STUART C. IRBY	3 EACH	500 KVA	\$ 11,760.00	\$ 35,280.00	20TO26	(SPEC 2a) 3 PHASE PAD MOUNT
STUART C. IRBY	3 EACH	750 KVA	\$ 16,500.00	\$ 49,500.00	20TO26	(SPEC 2a) 3 PHASE PAD MOUNT
STUART C. IRBY	1 EACH	500 KVA	\$ 10,825.00	\$ 10,825.00	20TO26	(SPEC 2b) 3 PHASE PAD MOUNT
STUART C. IRBY	1 EACH	1000 KVA	\$ 19,205.00	\$ 19,205.00	20TO26	(SPEC 2b) 3 PHASE PAD MOUNT
STUART C. IRBY	15 EACH	50 KVA	\$ 2,485.00	\$ 37,275.00	14TO16	(SPEC 2c) 1 PHASE PAD MOUNT
STUART C. IRBY	10 EACH	100 KVA	\$ 2,680.00	\$ 26,800.00	14TO16	(SPEC 2c) 1 PHASE PAD MOUNT
STUART C. IRBY	10 EACH	25 KVA	\$ 721.00	\$ 7,210.00	6TO8	(SPEC 2d) 1 PHASE PAD MOUNT
STUART C. IRBY	10 EACH	50 KVA	\$ 1,155.00	\$ 11,550.00	6TO8	(SPEC 2d) 1 PHASE PAD MOUNT
DELTA-Y ELECTRIC CO., INC.	2 EACH	75 KVA	\$ 5,787.00	\$ 11,574.00	10	(SPEC 2a) 3 PHASE PAD MOUNT
DELTA-Y ELECTRIC CO., INC.	3 EACH	150 KVA	\$ 6,862.00	\$ 20,586.00	10	(SPEC 2a) 3 PHASE PAD MOUNT
DELTA-Y ELECTRIC CO., INC.	3 EACH	500 KVA	\$ 14,410.00	\$ 43,230.00	10	(SPEC 2a) 3 PHASE PAD MOUNT
DELTA-Y ELECTRIC CO., INC.	3 EACH	750 KVA	\$ 17,890.00	\$ 53,670.00	10	(SPEC 2a) 3 PHASE PAD MOUNT
DELTA-Y ELECTRIC CO., INC.	1 EACH	500 KVA	\$ 14,258.00	\$ 14,258.00	10	(SPEC 2b) 3 PHASE PAD MOUNT
DELTA-Y ELECTRIC CO., INC.	1 EACH	1000 KVA	\$ 24,334.00	\$ 24,334.00	10	(SPEC 2b) 3 PHASE PAD MOUNT
DELTA-Y ELECTRIC CO., INC.	15 EACH	50 KVA	\$ 2,880.00	\$ 43,200.00	10	(SPEC 2c) 1 PHASE PAD MOUNT
DELTA-Y ELECTRIC CO., INC.	10 EACH	100 KVA	\$ 5,237.00	\$ 52,370.00	10	(SPEC 2c) 1 PHASE PAD MOUNT
DELTA-Y ELECTRIC CO., INC.	10 EACH	25 KVA	\$ 1,385.00	\$ 13,850.00	10	(SPEC 2d) 1 PHASE PAD MOUNT
DELTA-Y ELECTRIC CO., INC.	10 EACH	50 KVA	\$ 2,062.00	\$ 20,620.00	10	(SPEC 2d) 1 PHASE PAD MOUNT
DELTA-Y ELECTRIC CO., INC.						

Recommendation: To accept the lowest responsible bidders as highlighted above TOTAL FOR ALL TYPES: \$ 209,050.00

*Aaron Norris*  
 Aaron Norris  
 Electrical Superintendent

*Daniel P. Ames*  
 Daniel P. Ames  
 Purchasing Manager

Councilmember Quinn moved to accept the low bids of HD Supply Utilities and Stuart C. Irby provided all specifications are met, for their respective categories of transformers. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote. This purchase will be funded by Electric Operating Funds.

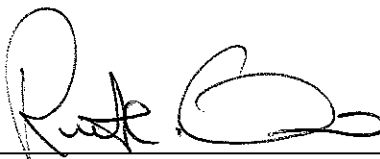
6 March 2008

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

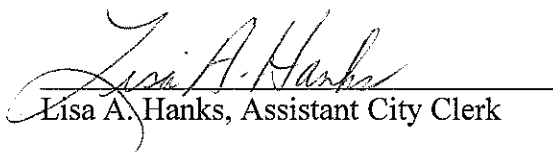
Councilmember Christenberry moved to address the following item **not** on the printed agenda. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Stankoski introduced in writing Ordinance No. 1355, an Ordinance to authorize the issuance of the City's General Obligation Warrant in the principal amount of \$1,300,000.00. 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. 1355. Seconded by Councilmember Christenberry, motion for final adoption passed unanimously by the following votes: AYE - Quinn, Stankoski, Christenberry, Ford, and Gentle. NAY - None.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:25 p.m.



Robert C. Gentle, Council President



Lisa A. Hanks, Assistant City Clerk