

5 February 2013

NOTICE AND CALL OF SPECIAL MEETING

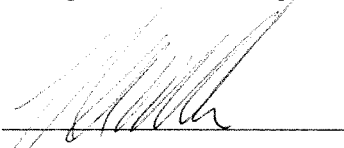
Notice is hereby given of a special meeting of the City Council of the City of Fairhope, Alabama, to be held at the Fairhope Municipal Complex on Tuesday, 5 February 2013, at 6:00 p.m., for the purpose to:

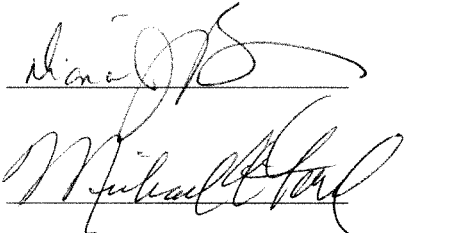
- ❖ Appointment of Chief of Police


Jack Burrell, Council President

CONSENT TO HOLDING OF MEETING

The undersigned members of the City Council of the City of Fairhope, Alabama, do hereby acknowledge service of the Notice and Call of Special Meeting hereinabout set forth and do hereby consent to the holding of such meeting as such time in such place for the purpose set forth therein.


Kevin L. Boone


Michael A. Ford

Attest:


Lisa A. Hanks, MMC
City Clerk

5 February 2013

STATE OF ALABAMA)
 :
 COUNTY OF BALDWIN)

The City Council, City of Fairhope, met in r Special Session at 6:00 p.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Tuesday, 5 February 2013.

Present were Council President Jack Burrell, Councilmembers: Rich Mueller, Diana Brewer, Michael A. Ford, and Kevin Boone, Mayor Timothy M. Kant, City Attorney Marion E. Wynne, and City Clerk Lisa A. Hanks.

There being a quorum present, Council President Burrell called the meeting to order. The invocation was given by Councilmember Boone and the Pledge of Allegiance was recited.

Council President Burrell stated there was a need to add on an agenda item before we discuss the Chief of Police appointment. He read the proposed resolution for the annexation of Lot 1, East Fairhope Plaza Subdivision, as shown on Slide 2416-F, recorded in the office of the Judge of Probate of Baldwin County; which is at the intersection of County Road 48 and State Highway 181. Councilmember Brewer questioned which property was to be annexed. Council President Burrell replied it is the Wal-Mart property.

Councilmember Boone moved to add on the above mentioned item **not** on the printed agenda. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution that the Mayor of the City of Fairhope, Alabama be and is hereby instructed to cause the notice to be published in a newspaper of general circulation published in Baldwin County, Alabama, once a week for four consecutive weeks; that the City Clerk be and is hereby directed to prepare the necessary copies of the above mentioned Bill for introduction in the Legislature; and that immediately after the fourth publication of the notice prescribed shall pay the cost of such publication and procure a publisher's affidavit; and the City Clerk is further directed to deliver the prepared Bills together with the publisher's affidavit to the Honorable Joe Faust, Representative to the Legislature of Alabama from Baldwin County, and respectively request that he cause the same to be introduced in the Legislature of Alabama. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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RESOLUTION NO. 2035-13

WHEREAS, it is the opinion of the City Council of the City of Fairhope, Alabama that the public health and public good that certain territory shall be brought within and annexed to the corporate limits of the City of Fairhope, Alabama; and

WHEREAS, the City Council deems it wise, expedient and economical to apply for the annexation of said territory to the corporate limits of the City of Fairhope, Alabama by the passage of a Local Law in the Legislature of Alabama; and

WHEREAS, the City Council has caused to be prepared a Bill for introduction in the Legislature of Alabama, accurately describing said territory, to accomplish the annexation of said territory to the corporate limits of the City of Fairhope, Alabama;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

(1) That the Mayor of the City of Fairhope, Alabama be and is hereby directed to cause the following notice to be published in a newspaper of general circulation published in Baldwin County, Alabama, once each week for four consecutive weeks, commencing on February 12, 2013, to-wit:

LEGAL NOTICE

STATE OF ALABAMA
BALDWIN COUNTY

NOTICE is hereby given that a bill substantially as follows will be introduced in the 2013 Regular Session of the Legislature of Alabama and application for its passage and enactment will be made:

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A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Fairhope in Baldwin County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The boundary lines and corporate limits of the City of Fairhope in Baldwin County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

LOT 1, EAST FAIRHOPE PLAZA SUBDIVISION, as shown on SLIDE 2416-F, recorded in the office of the Judge of Probate of Baldwin County (Intending to describe Tax Parcel ID 05-46-06-14-0-000-001.501).

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the City of Fairhope in Baldwin County is on file in the office of the Judge of Probate in Baldwin County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

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(2) That the City Clerk be and is hereby directed to prepare the necessary copies of the above-mentioned Bill for introduction in the Legislature; and that immediately after the fourth publication of the notice prescribed in (1) above the City Clerk shall pay the cost of such publication and procure from said publisher an affidavit substantially as follows:

**STATE OF ALABAMA
COUNTY OF BALDWIN**

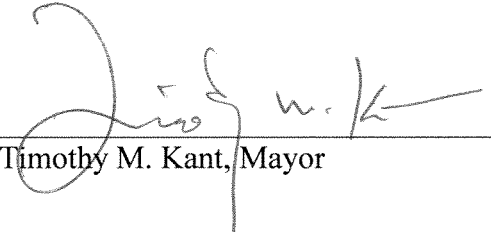
Before me _____, the undersigned authority in and for said County in said State, this day personally appeared _____, who, being by me first duly sworn, deposes and says that during the times herein mentioned he [she] was _____ of the Fairhope Courier, a newspaper of general circulation published in Baldwin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on _____, _____, and _____, all in the year 2013.

Sworn to and subscribed before me on this ____ day of _____, 2013.

_____ Notary Public

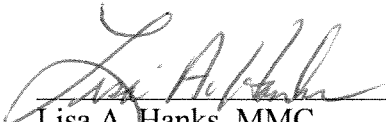
The City Clerk is further directed to deliver the prepared Bills together with the publisher's affidavit to the Honorable Joe Faust, Representative to the Legislature of Alabama from Baldwin County, and respectively request that he cause the same to be introduced in the Legislature of Alabama.

Adopted and Approved this the 5th Day of February, 2013



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

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Councilmember Ford addressed the City Council and said there were four men to look at and all conducted themselves in a professional manner. He commented that Councilmember Boone did a wonderful job as the Committee chair. He said anyone of these men could be the Chief of Police and we would be proud to have him.

Councilmember Brewer addressed the City Council and thanked Councilmembers Boone and Mueller for their hard work. We had 60 plus applicants and there were a couple more she would have liked to interview. She stated that among the four, she was comfortable with her choice.

Councilmember Mueller addressed the City Council and said this has not been an easy decision and it will affect a great deal of people.

Councilmember Boone addressed the City Council and thanked the Council for their hard work. He said this was the hardest decision he ever made and it was a difficult decision. Councilmember Boone said he hopes the Council makes the right decision.

Council President Burrell addressed the City Council and he too said this was the hardest decision he made. He said his mind was not made up until late this afternoon. He had other names on his list to interview, but all did not make it. He said we have four really good and really fine men to interview; and he hopes the person that the City Council appoints does what he said he would do in the interview. Council President Burrell said one particular person stood out above the rest. He said Matthew 5 came to him: "Blessed are the pure of Heart" and this candidate touched my heart.

Council President Burrell asked for a straw vote because the Council has gone back and forth on these candidates and have many hours put into this task. The following was the straw vote:

- Councilmember Mueller picked Chief Petties
- Councilmember Brewer picked Chief Petties
- Councilmember Ford picked Chief Petties
- Councilmember Boone picked Mike Reynolds
- Council President Burrell picked Chief Petties

Councilmember Ford moved to appoint Joseph Petties as Chief of Police. The motion was seconded by Councilmember Boone. Council President Burrell mentioned the need to possibly amend the resolution with the one year probationary period; and asked the City Clerk Lisa Hanks to call a roll call vote for the resolution appointing the Chief of Police.

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Councilmember Boone moved to amend the resolution appointing the Chief of Police by adding the following verbiage after word serve; “subject to a one year probation period” until the next general municipal election and until a successor is elected by the council and qualified. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

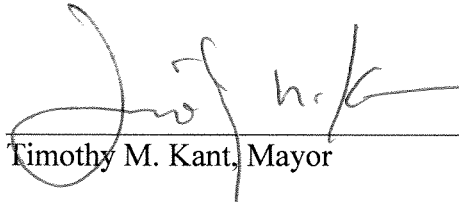
Councilmember Ford announced that this provision was not due to lack of confidence, but anyone selected would have had a probation period.

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution to appoint Joseph H. Pettis as Chief of Police as amended. Seconded by Councilmember Ford, motion passed unanimously by the following voice votes: AYES – Burrell, Mueller, Brewer, Ford, and Boone. NAYS - None.


RESOLUTION NO. 2036-13

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That **JOSEPH H. PETTIES** is hereby appointed as Chief of Police. The term of the Chief of Police shall serve, subject to a one year probation period, until the next general municipal election and until a successor is elected by the council and qualified. Section 11-43-5, Code of Alabama, 1975.

ADOPTED 5TH DAY OF FEBRUARY, 2013


 Timothy M. Kant, Mayor

ATTEST:


 Lisa A. Hanks, MMC
 City Clerk


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Councilmember Brewer moved to adjourn the meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:20 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk