

STATE OF ALABAMA)(
 :
 COUNTY OF BALDWIN)(

The City Council, City of Fairhope, met in an organizational session at 6:00 p.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Monday, 5 November 2012.

Present were Councilmembers: Jack Burrell, 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, City Clerk Lisa Hanks took the seat as presider and called the meeting to order. The invocation was given by Deacon George Yeend from St. Lawrence Catholic Church and the Pledge of Allegiance was recited.

This being the organizational meeting to begin the new administration, Mayor Kant, and the newly-elected Councilmembers, Jack Burrell, Rich Mueller, Diana Brewer, Michael A. Ford, and Kevin Boone, prepared to take their Oath of Office.

The Honorable James H. Reid, Circuit Judge, 28th Judicial Circuit of the State of Alabama, then gave the Oath of Office to the new Council: Mayor Kant; Councilmembers Burrell (Place # 1); Mueller, (Place # 2); Brewer, (Place # 3); Ford, (Place # 4); and Boone, (Place # 5). (Signed Oaths inserted at end of these minutes.)

The new administration took their seats on the dais and continued with business.

Ms. Hanks conducted the procedures for electing a Council President and Council President Pro Tempore. The floor was opened for Council President nominations. Councilmember Ford nominated Councilmember Burrell. Seconded by Councilmember Boone and no other nominations were made. The floor for nominations was then closed. Councilmember Burrell was elected Council President unanimously by voice vote.

The floor was then opened for Council President Pro Tempore nominations: Councilmember Mueller nominated Councilmember Ford. Seconded by Councilmember Brewer and no other nominations were made. The floor for nominations was then closed. Councilmember Ford was elected Council President Pro Tempore unanimously by voice vote.

Council President Burrell took the presider's seat and continued with business after making an opening statement. He then opened the floor to the audience for comments.

5 November 2012

Mike Odom with the Fairhope Courier addressed the City Council regarding public participation not being before the resolutions, ordinances, and other items; and encouraged the Council to consider moving this section. He thanked the Council for allowing him to speak.

Joe Birindelli, Grand Avenue, addressed the City Council regarding the Veterans Day Parade and invited them to participate in the parade on Saturday at 10:00 a.m.

Paul Ripp, High Ridge Road, addressed the City Council and congratulated them as new Councilmembers. He mentioned that people will be watching for you to fail. He also said they should not contract with other public officials and said they need to look at the Planning Commission.

Councilmember Ford introduced in writing Ordinance No. 1479, an ordinance to adopt the Rules of Procedure in all instances for meetings of the City Council. The ordinance was briefly explained by Council President Burrell. He said that more public participation was added not decreased. We moved the work session to 4:30 p.m. prior to each Council meeting. City Attorney Wynne said they could move items and amend procedures.

In order to take immediate action, Councilmember Boone moved for immediate consideration. Seconded by Councilmember Brewer, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Ford moved to amend Section 9. The order of business by adding public participation for agenda items after Report of the Mayor and keep Public Comments at the end of the meeting. Seconded by Councilmember Mueller, the motion to amend passed by the following voice votes: AYE - Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Brewer then moved for final adoption of Ordinance No. 1479 as amended. Seconded by Councilmember Brewer, motion for final adoption passed by the following voice votes: AYE - Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Ford introduced in writing Ordinance No. 1480, an ordinance to repeal Ordinance No. 1378, Ordinance No. 1391, and Ordinance No. 1419 which established the positions of City Administrator and Utility Superintendent. In order to take immediate action, Councilmember Boone moved for immediate consideration. Seconded by Councilmember Mueller, motion for immediate consideration passed unanimously by the following voice votes: AYE - Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

5 November 2012

Councilmember Brewer then moved for final adoption of Ordinance No. 1480. Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE - Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Boone introduced in writing Ordinance No. 1481, an ordinance to authorize Mayor Timothy M. Kant to act as full-time Utility Superintendent. In order to take immediate action, Councilmember Mueller moved for immediate consideration. Seconded by Councilmember Ford, motion for immediate consideration passed unanimously by the following voice votes: AYE - Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Brewer asked Mayor Kant to explain the duties and why we need this position. Mayor Kant stated that he was already the job and the money is paid from the Utilities; and he is the manager of the entire City which includes the three managers of the utilities. The decision to fill the position is up to the Council and they have the discretion to remove at any time. Council President Burrell read the following from the ordinance and said the salary is \$60,000 yearly:

The City Council may at any regular meeting or special meeting called therefore, discontinue the services of the Mayor as Superintendent of the utility system, and in the event of such discontinuance of his services as such Superintendent of such system, all compensation authorized to be paid in Section 2 hereof shall lapse.

Councilmember Ford then moved for final adoption of Ordinance No. 1481. Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE - Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing signees of all City of Fairhope Accounts. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

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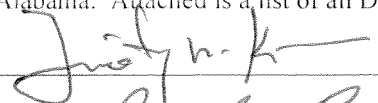

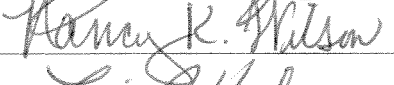
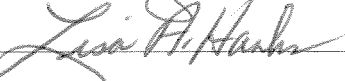
5 November 2012

RESOLUTION NO. 1986-12

WHEREAS, two signatures are required on all monetary transactions of the City of Fairhope; and

WHEREAS, travel is sometimes required of the Mayor and of the Treasurer and provisions should be made to cover monetary requirements of the City in the absence of one or both; THEN, THEREFORE

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, FAIRHOPE, ALABAMA, that all Financial Depositories where monies of the City are deposited, whether in checking, savings, or other type accounts, currently or in the future; be and hereby are advised that **any two of the following signees** are authorized to sign any monetary transaction between said Depositories and the City of Fairhope, Alabama. Attached is a list of all Depositories for the City of Fairhope;

 Timothy M. Kant, Mayor
 Jack Burrell, Council President
 Nancy K. Wilson, City Treasurer
 Lisa A. Hanks, City Clerk

BE IT FURTHER RESOLVED that Nancy K. Wilson and Lisa A. Hanks are hereby authorized to use a facsimile signature for routine checks and paperwork:

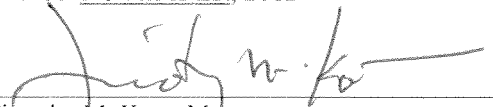
Sample: Sample:

BE IT FURTHER RESOLVED that Mayor Timothy M. Kant is hereby authorized to use computer generated signature for routine checks under One Thousand Dollars (\$1,000.00). All monetary transactions must have at least one true signature.

Sample:

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to all Depositories as authorization of, and as a record of, above signee signatures.

ADOPTED THIS 5TH DAY OF NOVEMBER, 2012



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

City of Fairhope Depositories

- | | |
|-------------------|---------------|
| BB&T | Citizens Bank |
| BBVA Compass | PNC Bank |
| BancorpSouth Bank | Regions Bank |
| Centennial Bank | Wells Fargo |

5 November 2012

Rose Fogarty, Finance Director, addressed the City Council and presented a brief Power Point presentation on the Proposed Budget for FY 2012 - 2013. A copy is on file in the City Clerk's office. Councilmember Mueller thanked Ms. Fogarty for her work. Council President Burrell commended Mayor Kant for the budget. He said we are able to give raises, funding for recreation and schools, and money toward debt reduction. He told the City Council to remember this is a fluid document and just a framework.

Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution, a resolution to approve the Proposed Budget for FY 2012 - 2013. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

RESOLUTION NO. 1987-12

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the proposed Budget presented and reviewed this 5th day of November 2012, be hereby approved and adopted for the FY 2012-2013; and

BE IT FURTHER RESOLVED that the Annual Salaries of City Personnel shall be as shown on a list entitled Annual Salaries of All City Personnel - Res. No. 1987-12 said list filed in the Office of the Mayor, of the City Clerk, and of the Human Resources Manager; and

BE IT FURTHER RESOLVED that Mayor Timothy M. Kant is hereby authorized to fill all positions that have been approved and budgeted as needed; and

BE IT FURTHER RESOLVED that each Full Time employee shall receive a One Time Pay Increase for the period 1 December 2011 through 30 November 2012; each qualifying employee shall receive \$20.00 per month of employment. To qualify, an employee must be a Full-Time Employee during this period. An employee hired on or before the fifteenth (15th) day of a month will be given credit for the full month; an employee hired on or after the sixteenth (16th) day of a month will not be given credit for that month. In order to receive this One Time Pay Increase, an employee must be employed on the 30th of November.

5 November 2012

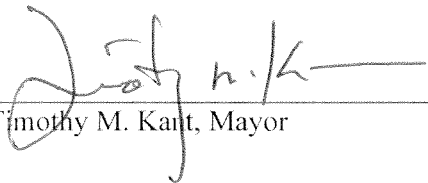
For the same time period, and hiring rule each qualifying Part-time employee shall receive the following:

First year	\$ 25.00
Second year	\$ 50.00
Third year	\$ 75.00
Fourth year	\$100.00

The maximum amount for Part-time employees is \$100.00.

This One-Time increase will be awarded on Friday, 7 December 2012.

ADOPTED THIS 5TH DAY OF NOVEMBER, 2012



 Timothy M. Kart, Mayor

ATTEST:



 Lisa A. Hanks, MMC
 City Clerk

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to adopt the holidays for FY 2012 - 2013. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

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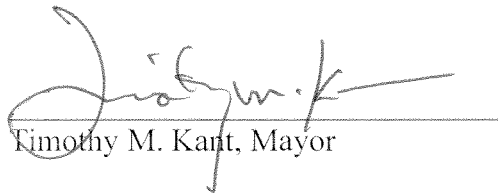
5 November 2012

RESOLUTION NO. 1988-12

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, THAT THE FOLLOWING 2012 – 2013 HOLIDAYS WILL BE OBSERVED BY ALL CITY PERSONNEL EXCEPT EMERGENCY EMPLOYEES:

<i>Veterans Day</i>	-	<i>Monday, November 12, 2012</i>
<i>Thanksgiving</i>	-	<i>Thursday & Friday November 22 & 23, 2012</i>
<i>Christmas</i>	-	<i>Monday & Tuesday, December 24 & 25, 2012</i>
<i>New Year's Day</i>	-	<i>Tuesday, January 1, 2013</i>
<i>Martin Luther King, Jr.</i>	-	<i>Monday, January 21, 2013</i>
<i>Memorial Day</i>	-	<i>Monday, May 27, 2013</i>
<i>Independence Day</i>	-	<i>Thursday, July 4, 2013</i>
<i>Labor Day</i>	-	<i>Monday, September 2, 2013</i>

DULY ADOPTED THIS 5TH DAY OF NOVEMBER, 2012


 Timothy M. Kant, Mayor

Attest


 Lisa A. Hanks, MMC
 City Clerk

5 November 2012

Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution, a resolution to terminate Bid No. 030-11 for a Citywide Radio System. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

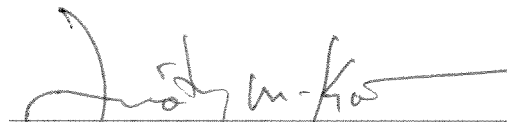
RESOLUTION NO. 1989-12

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That the City of Fairhope did award a Citywide Radio System (Bid Number 030-11) to Hurricane Electric, Inc. with the total bid proposal of \$366,124.34 on September 26, 2011.

[2] Per the terms and conditions of the referenced contract which allow the City to terminate this contract for "Convenience," and by giving written notice to the Provider; it is recommended that the contract for a Citywide Radio System with Hurricane Electric, Inc. be terminated.

Adopted on this 5th day of November, 2012



Timothy M. Kart, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

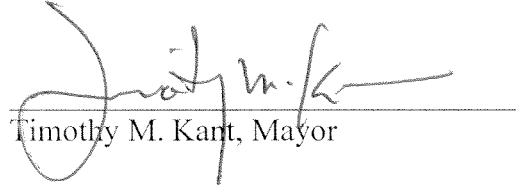
Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to appoint Lisa A. Hanks as City Clerk. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

5 November 2012

RESOLUTION NO. 1990-12

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That **Lisa A. Hanks** is hereby appointed as City Clerk. The term of the City Clerk shall serve until the next general municipal election and until a successor is elected by the council and qualified. Section 11-43-3, Code of Alabama, 1975.

ADOPTED 5TH DAY OF NOVEMBER, 2012



Timothy M. Kant, Mayor

ATTEST:



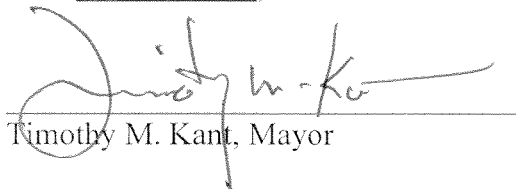
Lisa A. Hanks, MMC
City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to appoint Nancy K. Wilson as City Treasurer. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 1991-12

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That **Nancy K. Wilson** is hereby appointed as City Treasurer. The term of the City Treasurer shall serve until the next general municipal election and until a successor is elected by the council and qualified. Section 11-43-3, Code of Alabama, 1975.

ADOPTED 5TH DAY OF NOVEMBER, 2012



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk

5 November 2012

Councilmember Brewer moved to approve the following appointments for Planning Commission terms. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

11/05/12 - 08/31/13	Councilmember Mueller
09/01/13 - 05/31/14	Councilmember Burrell
06/01/14 - 02/28/15	Councilmember Brewer
03/01/15 - 11/30/15	Councilmember Ford
12/01/15 - 09/30/16	Councilmember Boone

Council President Burrell asked the Councilmembers to immerse themselves in all matters and to get involved with all Committees. He then appointed the following Committee Assignments:

Utilities Gas/Water/Sewer/Electric	-	Councilmembers Boone and Mueller
Parks & Recreation and Library	-	Councilmembers Ford and Brewer
Finance & Audit	-	Councilmembers Burrell and Brewer
Public Works & Industrial Recruitment	-	Councilmembers Burrell and Ford
Police, Fire, & Court	-	Councilmembers Mueller and Boone

City Clerk Lisa Hanks read the following letter from Mayor Kant appointing Jack Burrell to the Fairhope Airport Authority.

November 1, 2012

Lisa Hanks, City Clerk
City of Fairhope

Please enter as an item on the November 5, 2012 City Council agenda appointment of Jack Burrell to the Fairhope Airport Authority. This position will run for the length of the council term of four years ending in 2016, at which time reappointment of the position will be required.

Timothy M. Kant
Mayor, City of Fairhope

Council President Burrell continued with the Agenda Items Number 18 through Number 30 and asked the Councilmembers if they would serve on these Committees or had an issue with the appointments. No one opposed any of the appointments.

5 November 2012

Councilmember Brewer addressed the City Council and said there were three items she wanted to mention. The Educational Advisory Committee members have been contacted and want to be on this Committee; and play a big role with the schools. She would like to appoint a Financial Advisory Committee in the near future with a background in budgets and finances. This would allow input from citizens as advisory only. The third item is there are no Arts Committee which seems odd and we should look into that too.

Councilmember Ford addressed the City Council and stated he thought Council President Burrell did a good job tonight and with the appointments. He hopes they get Fairhope back to what it should be.

Councilmember Boone addressed the City Council and commented he appreciated everyone in attendance tonight. He said we will do the best job we can do. He also stated we want to put the City back to where it should be.

Council President Burrell addressed the City Council and thanked everyone. He said we would work hard for you and the employees of the City. He thanked the City Council for their hard work since being elected. He thanked the staff and thanked the Mayor for being accessible.

Mayor Kant addressed the City Council and commented the citizens make this community. They volunteer and make it happen. There are three groups that make Fairhope what it is: the citizens, the elected officials, and the City employees. He thanked the Council for approving the budget. He said the monies are there and you must decide how to spend it. There is a one-time \$375,000 for education and \$450,000 for recreation. The K-1 playground is in limbo and we need to move forward. He would like to see the playground accessible for special needs children. He would like to see a Performing Arts Center. He told the Council to remember his doors are always open. Mayor Kant said he wanted to thank his wife Karla for putting up with all of this.

Council President Burrell stated he wanted to echo that he would like to see a Financial Advisory Committee in the near future. He said the Council has the ultimate decision, but it would be nice to have advice on issues.

Council President Burrell mentioned that Rick Kingrea's wife, Debbie, had passed away this weekend; and asked for everyone to keep Rick Kingrea and their family in our thought and prayers.

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

5 November 2012

There being no further business to come before the City Council, the meeting was duly adjourned at 7:00 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk

5 November 2012

OATH OF OFFICE

STATE OF ALABAMA)(
:
COUNTY OF BALDWIN)(
:
CITY OF FAIRHOPE)(

I TIMOTHY M. KANT, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

(Signed) [Handwritten signature of Timothy M. Kant]

Sworn to and subscribed before me this 5th Day of November, 2012

(Signed) [Handwritten signature of James H. Reid]

James H. Reid
Circuit Judge
28th Judicial Circuit
State of Alabama

5 November 2012

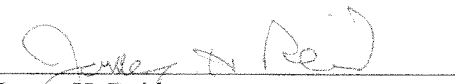
OATH OF OFFICE

STATE OF ALABAMA)
 :
 COUNTY OF BALDWIN)
 :
 CITY OF FAIRHOPE)

I JACKEY O. BURRELL, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

(Signed) 

Sworn to and subscribed before me this 5th Day of November, 2012

(Signed) 
 James H. Reid
 Circuit Judge
 28th Judicial Circuit
 State of Alabama

5 November 2012

OATH OF OFFICE

STATE OF ALABAMA)
 :
 COUNTY OF BALDWIN)
 :
 CITY OF FAIRHOPE)

I RICHARD A. MUELLER, SR., solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

(Signed) _____

Sworn to and subscribed before me this 5th Day of November, 2012

(Signed) _____

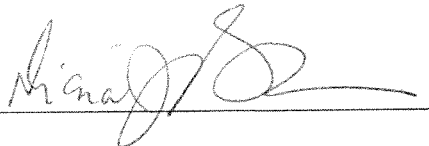
James H. Reid
 Circuit Judge
 28th Judicial Circuit
 State of Alabama

5 November 2012

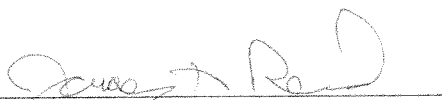
OATH OF OFFICE

STATE OF ALABAMA)
 :
 COUNTY OF BALDWIN)
 :
 CITY OF FAIRHOPE)

I DIANA J. BREWER, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

(Signed) 

Sworn to and subscribed before me this 5th Day of November, 2012

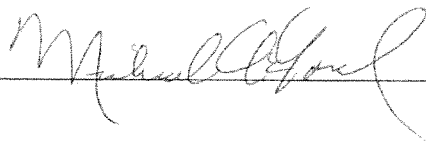
(Signed) 
 James H. Reid
 Circuit Judge
 28th Judicial Circuit
 State of Alabama

5 November 2012


OATH OF OFFICE

STATE OF ALABAMA)
 :
 COUNTY OF BALDWIN)
 :
 CITY OF FAIRHOPE)

I **MICHAEL A. FORD**, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

(Signed) 

Sworn to and subscribed before me this 5th Day of November, 2012

(Signed) 
 James H. Reid
 Circuit Judge
 28th Judicial Circuit
 State of Alabama

5 November 2012

OATH OF OFFICE

STATE OF ALABAMA)(
:
COUNTY OF BALDWIN)(
:
CITY OF FAIRHOPE)(

I KEVIN G. BOONE, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

(Signed) Kevin G. Boone

Sworn to and subscribed before me this 5th Day of November, 2012

(Signed) James H. Reid
James H. Reid
Circuit Judge
28th Judicial Circuit
State of Alabama