

STATE OF ALABAMA            )(  
   :  
 COUNTY OF BALDWIN         )(

The City Council, City of Fairhope, met in regular session at 6:00 p.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Monday, 26 November 2012.

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

There being a quorum present, Council President Burrell called the meeting to order. The invocation was given by Reverend Matt McCollum, of Trinity Presbyterian Church, and the Pledge of Allegiance was recited. Councilmember Brewer moved to approve minutes of the 12 November 2012, regular meeting; of the 12 November 2012, work session, and of the 12 November 2012, agenda meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Mayor Kant addressed the City Council regarding the following items:

- 1) A moment of silence for Scott Ward's family
- 2) Jon Cardwell has been named the interim principal at Fairhope High School
- 3) Thanked the staff for their work on the annual Lighting of Trees
- 4) Lease on Fairhoper's Community Park has expired; Sherry Sullivan is working with the Baldwin County School Board on this issue; and a 20 year lease has been agreed upon.

Councilmember Brewer addressed the City Council and mentioned that the Education Advisory Committee would be meeting in a couple of weeks; and she has met with the Eastern Shore Art Center regarding an Arts Committee.

Councilmember Ford addressed the City Council regarding a recent trip with the traffic being horrendous and said the City needs to remain small.

Council President Burrell addressed the City Council and thanked them for their hard work since being elected. He also thanked Mayor Kant for being available and working with the City Council.

Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the Alabama Department of Transportation to perform Project Number ST-002-181-009, Widening SR-181 from south of CR-48 to south of CR-30 in Baldwin County.

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Mayor Kant explained the resolution and said this widening is to help the traffic situation until State funds get back on cycle. After further discussion, the motion was seconded by Councilmember Ford, motion passed unanimously by voice vote.

**RESOLUTION NO. 1999-12**

WHEREAS, the City of Fairhope, Alabama (hereinafter at times referred to as City) is desirous of having certain improvements made within the City Limits of Fairhope, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project Number ST-002-181-009, Widening SR-181 from south of CR-48 to south of CR-30 in Baldwin County.

WHEREAS, The Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, The Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said project until and unless the City of Fairhope will agree to certain requirements of the Federal Highway Administration. The City of Fairhope for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for does hereby pass and adopts the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF FAIRHOPE, that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this City and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans.

The City by and through its Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

The City hereby further agrees to adopt or pass such legally effective ordinances and/or laws as will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

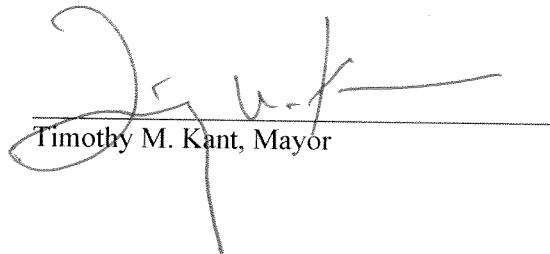
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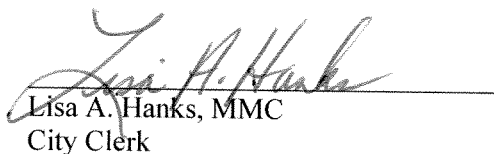
BE IT FURTHER RESOLVED BY THE CITY, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the City will not in the future permit encroachments upon the right of way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossover, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after completion of this project shall be in accordance with the latest edition of the national Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama Department of Transportation of the State of Alabama and by the Federal Highway Administration. The City further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation of the State of Alabama and of the Federal Highway Administration, prior to installation and the City further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

BE IT FURTHER RESOLVED BY THIS COUNCIL, that the City agrees to perform all maintenance on crossroads, service drives, or relocated roads that are not designated Federal or State highways that are in the jurisdiction of the City. It is understood and agreed that no changes in this Resolution or Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

Adopted this 26th day of November, 2012

  
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Timothy M. Kant, Mayor

Attest:

  
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Lisa A. Hanks, MMC  
City Clerk

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Council President Burrell stated that the requests for speed calming devices for Quail Creek, Stone Creek, Edwards Avenue, Pemberton Loop, and Hospital Drive was brought to their attention; and the requests will go to the Streets Committee for review and then the Committee will recommendations to the City Council. He mentioned the Committee members being Councilmembers Ford and Burrell, Mayor Kant, and a Police Officer.


Mike Odom, editor of the Fairhope Courier, addressed the City Council for-a status report on the selection of the new Police Chief. Mayor Kant replied that the ones qualified will be reviewed by the Human Resources Manager and then put in order for selection. He said there are two liaisons from the City Council who will work with me. Then, the top three will be interviewed. Council President Burrell said the applications are available to the City Council to review. This is an open process and we need to work with Mayor Kant.

Mr. Odom questioned the Open Meetings Act and the timeframe for the interviews. City Attorney Wynne said he would have to research the question. Councilmember Mueller commented we need to take our time and make the right choice.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 6:18 p.m.

  
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Jack Burrell, Council President

  
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Lisa A. Hanks, MMC  
City Clerk