

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

MONDAY, 10 OCTOBER 2011 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve Minutes of 26 September 2011 Regular City Council Meeting.
2. Old Business
3. Presentation – Joe Riemer – Baldwin Pops
3. Report of the Mayor
4. Council Comments
5. City Administrator
6. Public Participation
7. Termination of Contract with Jubilee Landscaping, Inc. for Bid No. 023-10.
8. Resolution – Authorizing the City of Fairhope to pay the legal fees for representation of Chief Bill Press to Kilborn, Roebuck & McDonald in the amount of \$20,647.96.
9. *Pulled* ~~Resolution—Authorizing the City of Fairhope to reimburse Assistant Chief Terry Sanders for funds paid to Retirement Systems of Alabama.~~
10. Resolution – Authorizing Mayor Timothy M. Kant to execute an Agreement with Thomas Hospital for use of City Facilities.
11. Resolution – Authorizing Mayor Timothy M. Kant to execute an Agreement with Eastern Shore Art Center and the Fairhope Committee of Public Art for use of City Facilities.
12. Resolution – Authorizing Mayor Timothy M. Kant to execute a Contract with the Eastern Shore Chamber of Commerce to promote the City of Fairhope with a total cost of \$6,000.
13. Resolution – Authorizing Mayor Timothy M. Kant to sign a Contract with Blueprint for a Better Tomorrow for an appropriation of \$35,000.
14. Resolution – Authorizing Mayor Timothy M. Kant to sign a Contract with Ecumenical Ministries Incorporated for an appropriation of \$10,000.
15. Resolution – Authorizing Mayor Timothy M. Kant to sign a Contract with The Lighthouse, Baldwin County Family Violence Project for an appropriation of \$3,000.
16. Resolution – Authorizing Mayor Timothy M. Kant to sign a Contract with Smart Coast for an appropriation of \$5,000.

17. Resolution – Authorizing Mayor Timothy M. Kant to sign a Contract with Mobile Bay National Estuary Program for an appropriation of \$5,000.
18. Resolution – Authorizing Mayor Timothy M. Kant to sign a Contract with Fairhope Booster Club, Inc. for an appropriation of \$35,000 to help renovate, expand and upgrade on-campus athletic facilities.
19. Resolution – Complying with the requirements of Section 8.2(b) of the Trust Indenture between the City of Fairhope, Alabama and Regions Bank dated as of November 1, 1996.
20. Ordinance - An Ordinance to authorize the issuance of the City's Utility Revenue Warrants in the principal amount of \$16,140,000.
21. Resolution – Authorizing the City of Fairhope to reimburse itself for expenditures prior to the issuance of the General Obligation Warrant for the public street repairs and improvements.
22. Ordinance - An Ordinance to authorize the issuance of the City's General Obligation Warrant in the principal amount of \$4,200,000.
23. Ordinance – An Ordinance Amending Ordinance No. 1443 known as the City of Fairhope's Noise Ordinance Article I. – Division I. In General. Section 12-4. Noise in Residential Districts.
24. Request – Approval to fill vacancies for Equipment Operator and Crew Leader for the Gas Department, City Accountant for the Finance Department, Dispatcher for the Police Department, two Fitness Floor Attendants for the Recreation Department, Spinning Instructor for the Recreation Department, Assistant Superintendent for the Water & Sewer Department, Full-time Purchasing Clerk for the Purchasing Department and two Police Officers for the Police Department..
25. Request – Approval to create and fill the Position of Museum Assistant for the Senior and Special Services Department.
26. Application for a Special Retail License by Greg McNally, Alan's Grill, L.L.C., located at 19841 Quail Creek Drive, Fairhope.
27. Request – Approval for Celebration Church Fall Festival to be held at Volanta Park on October 30, 2011 from 8:00 a.m. to 9:00 p.m.
28. Adjourn

Public Participation begins at 5:00pm in Council Chambers

Next Regular Meeting Monday, October 24, 2011 Same Time and Place

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, 10 October 2011.

Present were Council President Lonnie L. Mixon, Councilmembers: Debbie W. Quinn, Daniel Stankoski, Michael A. Ford, and Rick Kingrea, Mayor Timothy M. Kant, City Attorney Marion E. Wynne, and City Clerk Lisa A. Hanks.

There being a quorum present, Council President Mixon called the meeting to order. The invocation was given by Reverent Matt McCollum, Trinity Presbyterian Church, and the Pledge of Allegiance was recited.

Chief Press addressed the City Council and introduced the Mounted Patrol which consists of 30 volunteers. Beverly Corte thanked the City Council and Chief Press for allowing them to part of the Mounted Patrol. She said it was established in 2009 and they have a stringent certification. They all have Hold Harmless Agreements and Liability Insurance.

Council President Mixon asked if there were any corrections to the minutes from the 26 September 2011, regular meeting. He then stated if there are no corrections, the minutes stand approved as written.

Joe Riemer and Ann Brooks with the Baldwin Pops addressed the City Council and Mayor. They presented the City of Fairhope with a picture of their performance on Memorial Day.

Mayor Kant addressed the City Council with the following items:

- 1) Mentioned the newest edition to the Fairhope Volunteer Fire Department is out front for viewing; new fire truck. The Fire Department owns three buildings and the City provides custodians and helps to keep up the equipment. The direction of the department is on their own. The Fairhope Volunteer Fire Department has been in existence for 75 years. The department provides a great service to the community.
- 2) Fairhope will be playing Daphne this Thursday night which will be televised nationally; a C-spire production. This will showcase our community.

10 October 2011

Councilmember Quinn addressed the City Council with the following items:

- 1) New garbage truck and street sweeper are also out front for viewing.
- 2) On Thursday, Councilmember Quinn will be going to the EPA meeting in New Orleans; and asked for comments or questions from everyone to present since she is a committee member.

The following individuals spoke during Public Participation:

- 1) Mac Wolcott, Windmill Market, addressed the City Council regarding Agenda Item Number 23, the amendment to the Noise Ordinance. He said that 85 decibels was a good balance; and we were to try the ordinance and see what was working. Mr. Wolcott asked how many tickets had been written since the ordinance was adopted. He commented 65 decibels is unreasonable.
- 2) William Stitt, Highway 27 Grill, addressed the City Council regarding Agenda Item Number 23, the amendment to the Noise Ordinance. He said lowering the decibel level does not need to be considered. 85 decibels seems to be working for us; keep it where it is.
- 3) Paul Ripp, 22985 High Ridge Road, addressed the City Council regarding Agenda Item Number 8, Agenda Item Number 14, and Agenda Item Number 17. He said legal fees should be paid; this was a political move. He commented Ecumenical Ministries is a very worthy group and encouraged the City on restoration of homes. Mr. Ripp said we are giving money to Mobile Bay National Estuary Program and the City should be looking at Fly Creek.

Councilmember Kingrea moved to terminate the contract with Jubilee Landscaping, Inc. for Bid No. 023-10, Landscape Services for the City of Fairhope. The Contractor restructured their business, and has failed to provide written documentation of the assignment of our contract to their new company, nor has the City been given the opportunity to formally approve such assignment. Currently, the City is performing all the scope of work of the contract with City forces. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Council President Mixon mentioned this was approved to consider at a later time; however, if we do approve it should be contingent upon the attorney providing the City Treasurer an itemized list of the work and time performed. Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the City of Fairhope to pay the legal fees for representation of Chief Bill Press to Kilborn, Roebuck & McDonald in the amount of \$20,647.96 contingent upon the attorney providing the City Treasurer an itemized list of the work and time performed. The motion was seconded by Councilmember Kingrea.

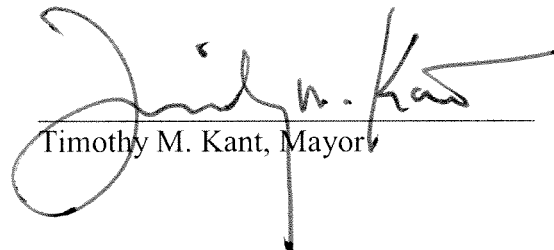
10 October 2011

Councilmember Stankoski commented this was in the line and scope of his duty. We should pay for his representation. Councilmember Quinn stated she agreed with Councilmember Stankoski. Councilmember Ford said we are setting a precedent and this was not vindictive by the Mayor. Councilmember Kingrea stated the Mayor was wrong and cost the Chief a great deal of money. We all do not know what happened at the hearing because it is treated as a Grand Jury hearing; and no one is supposed to talk about the hearing. After further discussion, motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon and Kingrea. NAY – Ford.

RESOLUTION NO. 1848-11

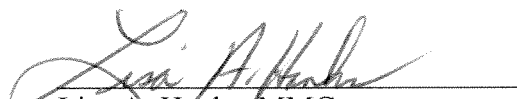
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby approves and authorizes the City of Fairhope to pay the legal fees for representation of Chief Bill Press to Kilborn, Roebuck & McDonald, Attorneys at Law, contingent upon the attorney providing the City Treasurer an itemized list of the work and time performed. The cost will be \$20,647.96.

Adopted on this 10th day of October, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Council President Mixon announced that Agenda Item Number 9 had been pulled.

Council President Mixon stated the City Council needed a copy of the contract with Thomas Hospital before voting on the resolution. No Councilmember introduced or moved for the adoption of this resolution. Councilmember Quinn requested that this layover until the next City Council meeting.

10 October 2011

Councilmember Quinn moved to layover Agenda Item Number 11 until the next City Council meeting. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to sign a contract with the Eastern Shore Chamber of Commerce to promote the City of Fairhope. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

RESOLUTION NO. 1849-11

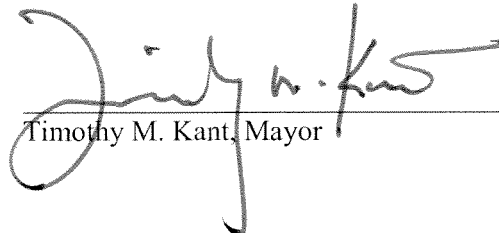
WHEREAS, the Eastern Shore Chamber of Commerce serves a public purpose and the publicity that the Eastern Shore Chamber of Commerce gives the City of Fairhope is a public service; and,

WHEREAS, We, the Eastern Shore Chamber of Commerce, agree to work with the Mayor, and/or his agent(s), advertise (regionally and nationally) and promote the City of Fairhope and to enhance City revenues through economic development including sales & use taxes, lodging taxes, business licenses, etc.; and to provide public arts and crafts for residents and visitors through its annual arts and crafts festival.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute contract between the City of Fairhope and the Eastern Shore Chamber of Commerce for use of the City facilities depending on availability and permission from the Rental Facilities Manager; and resources including personnel, but not security after normal business hours.

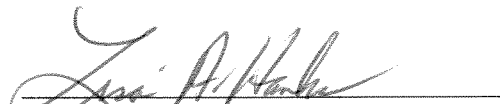
BE IT FURTHER RESOLVED that the Mayor Timothy M. Kant is hereby authorized to enter into a contract with the Eastern Shore Chamber of Commerce to promote the City of Fairhope. The contract shall be for one year, 1 October 2011 - 30 September 2012, but may be canceled at any time. The contract shall call for a payment to the Eastern Shore Chamber of Commerce of \$125.00 per month from the General Fund and \$125.00 per month from each of the Utility Funds; or \$6,000.00 for the one year term.

ADOPTED this 10th day of October, 2011



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk

10 October 2011

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to sign a Contract with Blueprint for a Better Tomorrow for an appropriation of \$35,000. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

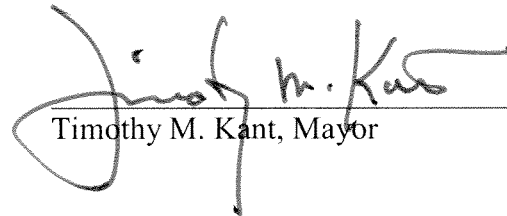
RESOLUTION NO. 1850-11

WHEREAS, Blueprint for a Better Tomorrow is a bond, community-wide five year initiative which establishes a public-private partnership to guide and stimulate the economic growth of the Eastern Shore. Developed by over one hundred key corporate and community leaders, with input from other concerned groups, this comprehensive program is a bold effort to bring our private corporate leadership together with our local elected officials for the good of our community.

WHEREAS, The mission of Blueprint for a Better Tomorrow is to enhance the area's economic development, education, transportation/infrastructure, tourism, governmental affairs and environment by providing leadership in defining and addressing our community's needs and opportunities. Blueprint for a Better Tomorrow will enable businesses to work cooperatively with the cities of Daphne, Fairhope, Spanish Fort and Baldwin County to develop and implement dynamic new programs that will enable us to take charge of our economic destiny.

NOW BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that the City of Fairhope will pledge \$35,000.00 for the fiscal year beginning 1 October 2011 and ending 30 September 2012. The City of Fairhope pledge will be a sound business investment in the economic growth of the Eastern Shore.

DULY ADOPTED THIS 10TH DAY OF OCTOBER, 2011



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, MMC
City Clerk

10 October 2011

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to sign a Contract with Ecumenical Ministries Incorporated for an appropriation of \$10,000. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 1851-11

WHEREAS, in Fairhope, Alabama, Ecumenical Ministries Incorporated (EMI) is a public, non-profit, non-denominational, United Way social service agency; and,

WHEREAS, EMI's mission is to improve the quality of life in Baldwin County by meeting basic needs, encouraging personal growth, effecting social and economic justice and celebrate our common life; and,

WHEREAS, EMI provide services to the socio-economic and those in crisis situations and have no place to turn for help on the Eastern Shore, including Fairhope and South Baldwin County. The services rendered include:

- Emergency Aid – Direct assistance for medical, food, utilities, rent, clothing, child care, transportation and other emergency needs.
- Meals on Wheels (MOW'S) – Volunteer's deliver nutritious, warm meals six days a week. Meals are subsidized based on need and funding – Fairhope area has nine routes.
- Home Repair – These projects include plumbing, electrical work, rebuilding floors, installing windows and doors, roofing, building wheelchair ramps and more. This program is for the elderly and disabled.
- Food Pantry – Our pantries provide a week's supply of food based on the size of the family and their situation.
- Prescription Assistance – This program allows under-insured and non-insured persons to receive life sustaining medications at reduced or no cost through pharmaceutical companies indigent care program. EMI also provide prescription assistance through the Ozanam Charitable Pharmacy in Mobile.
- Church-based Community Organizing – This program empowers poor and moderate income families to participate effectively in our democratic system and allow community members the opportunity to address the issues affecting their lives: paved streets, lighting, sewage, recreation and drainage.
- EMMY'S Thrift Shop – Through our emergency aid center vouchers are given at no cost. With these vouchers, people can receive such items as appliances, furniture, clothing, etc.

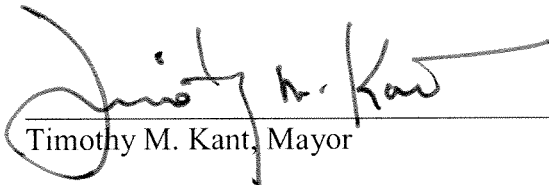
10 October 2011

WHEREAS, Ecumenical Ministries Incorporated has served Fairhope residents since 1969 on a continuous basis and successfully demonstrated the capacity to operate a neighborhood based on social service agency improving countless lives; and,

WHEREAS, Ecumenical Ministries support for 2011 - 2012 fiscal year will provide for two new programs. The first is a Housing Counseling Agency which offers budget counseling classes, credit repair/building classes, assistance with down payment program applications etc. The second is a pilot program for the South Alabama Regional Planning Commission, Area Agency on Aging involving a nutritional supplement program for Baldwin County. This program provides ensure to individuals 60 years of age and over who are medically prescribed this liquid supplement and meet the income eligibility for this program.

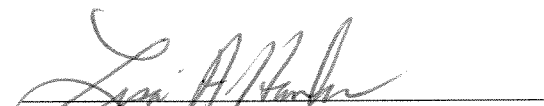
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, FAIRHOPE, ALABAMA, that Mayor Timothy Kant is hereby authorized to establish a contract for services between the City of Fairhope and Ecumenical Ministries Incorporated to appropriate the sum of \$10,000.00 to be used for the needs of Fairhope residents.

APPROVED THIS THE 10TH DAY OF OCTOBER, 2011



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to sign a Contract with The Lighthouse, Baldwin County Family Violence Project for an appropriation of \$3,000. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

10 October 2011

RESOLUTION NO. 1852-11

WHEREAS, The Lighthouse, Baldwin County Family Violence Project, is funded in part by the Law Enforcement/Traffic Safety Division of the Alabama Department of Economic and Community Affairs. The program currently has a full time Sexual Assault Counselor and a full time Sexual Assault Specialist and serves Baldwin.

WHEREAS, The Sexual Assault Counselor works directly with adult victims of rape and sexual assault and their families/significant other providing assessment and counseling services.

WHEREAS, The Sexual Assault Specialist is responsible for recruiting, training, and coordinating volunteer advocates to respond to adult victims of rape and sexual assault in the crisis situation as requested by law enforcement or hospital emergency room staff. The Sexual Assault Specialist will also be involved in developing and implementing rape prevention programs throughout the county.

WHEREAS, there are several other services provided by this program for sexually assaulted victims.

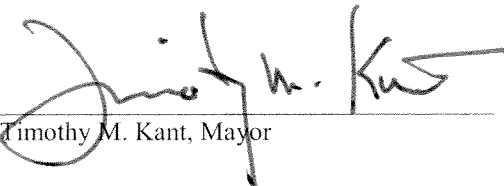
WHEREAS, the Lighthouse provides a Domestic Violence Program were the following services are provided:

- Twenty-four hour Crisis Line
- Safe, Confidential shelter
- Individual Crisis Counseling
- Support Groups
- Direct services provided to children while in the shelter
- Court advocacy and accompaniment
- Training on issues relating to domestic violence
- Speakers Bureau
- Elementary School Programs
- Dating Violence Date Rape Program


While the Lighthouse is excited to be in the position to offer these needed services for the residents of Baldwin County, the Lighthouse needs the support to continue to provide these and other services.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute a Contractual Agreement between the City of Fairhope and The Lighthouse, Baldwin County Family Violence Project, to support the Lighthouse domestic violence program and sexual assault program, in the amount of \$3,000.00.

Adopted on this the 10th day of October, 2011


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

10 October 2011

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to sign a Contract with Smart Coast for an appropriation of \$5,000. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1853-11

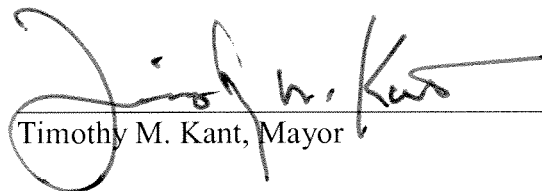
WHEREAS, a contract shall be executed between the City of Fairhope and the Smart Coast, making an appropriation of \$5,000.00.

WHEREAS, the term of said contract shall be for one (1) year, beginning 1 October 2011 and ending 30 September 2012; but the contract shall be cancelled at any time upon notice.


WHEREAS, payment shall be made in the amount of \$5,000.00 from the three Utility Funds of the City of Fairhope.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, THAT Mayor Timothy M. Kant is hereby authorized to sign a contract between the City of Fairhope and Smart Coast.

DULY ADOPTED THIS 10TH DAY OF OCTOBER, 2011


 Timothy M. Kant, Mayor

Attest


 Lisa A. Hanks, MMC
 City Clerk

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to sign a Contract with Mobile Bay National Estuary Program for an appropriation of \$5,000. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

10 October 2011

RESOLUTION NO. 1854-11

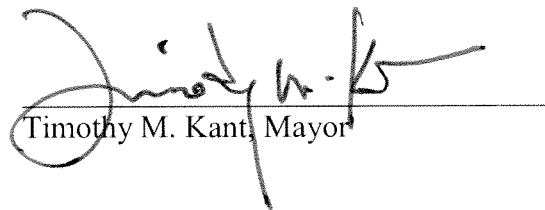
WHEREAS, a contract shall be executed between the City of Fairhope and the Mobile Bay National Estuary Program, making an appropriation of \$5,000.00.

WHEREAS, the term of said contract shall be for one (1) year, beginning 1 October 2011 and ending 30 September 2012; but the contract shall be cancelled at any time upon notice.

WHEREAS, payment shall be made in the amount of \$5,000.00 from the three Utility Funds of the City of Fairhope.

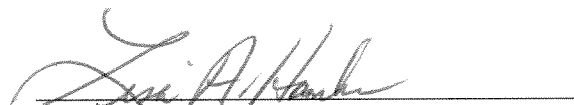
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, THAT Mayor Timothy M. Kant is hereby authorized to sign a contract between the City of Fairhope and the Mobile Bay National Estuary Program.

DULY ADOPTED THIS 10TH DAY OF OCTOBER, 2011



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, MMC
City Clerk

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to sign a Contract with Fairhope Booster Club, Inc. for an appropriation of \$35,000 to help renovate, expand and upgrade on-campus athletic facilities. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

10 October 2011

RESOLUTION NO. 1855-11

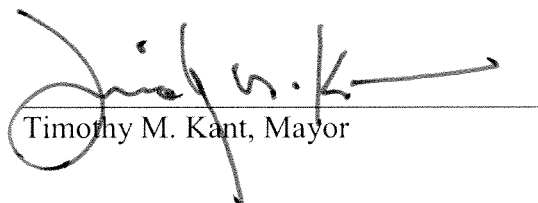
WHEREAS, a contract shall be executed between the City of Fairhope and the Fairhope Pirate Booster Club, Inc., making an appropriation of \$35,000.00 to be used to help renovate, expand, and upgrade the on-campus athletic facilities, which in turn helps the Fairhope community by providing healthy, wholesome activities to keep our children maintaining healthy lifestyles and away from illegal or improper activities.

WHEREAS, the term of said contract shall be for one (1) year, beginning 1 October 2011 and ending 30 September 2012; but the contract shall be cancelled at any time upon notice.

WHEREAS, payment shall be made in the quarter of \$2,916.67 from the Three Utility Funds of the City; or \$35,000.00 annually, until contract either expires or is cancelled.


BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, THAT Mayor Timothy M. Kant is hereby authorized to sign a contract between the City of Fairhope and the Fairhope Pirate Booster Club, Inc.

DULY ADOPTED THIS 10TH DAY OF OCTOBER, 2011



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, MMC
City Clerk

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution to comply with the requirements of Section 8.2(b) of the Trust Indenture between the City of Fairhope, Alabama and Regions Bank dated as of November 1, 1996. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

10 October 2011

RESOLUTION NO. 1856-11

A RESOLUTION COMPLYING WITH THE
REQUIREMENTS OF SECTION 8.2(b) OF THE
TRUST INDENTURE BETWEEN THE CITY OF
FAIRHOPE, ALABAMA, AND REGIONS BANK
DATED AS OF NOVEMBER 1, 1996,
AS SUPPLEMENTED

BE IT RESOLVED by the City Council (herein called the "Council") of the City of Fairhope (herein called the "City"), in the State of Alabama, as follows:

In order to comply with the requirements of Section 8.2(b) of that certain Trust Indenture between the City and Regions Bank, dated as of November 1, 1996 (herein called the "1996 Indenture"), so that \$16,140,000 aggregate principal amount of Utilities Revenue Warrants, Series 2011, dated October 13, 2011 (herein called the "Series 2011 Warrants"), of the City may be issued as additional warrants under the provisions of the 1996 Indenture, the Council does hereby adopt this resolution, request that Regions Bank, as trustee, authenticate and deliver the Series 2011 Warrants to the purchaser thereof, and make the following recitals preliminary to the issuance of the Series 2011 Warrants:

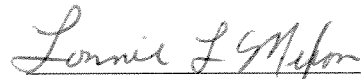
- (1) the City is not at this time in default under the 1996 Indenture and no such default is imminent;
- (2) the person to whom the Series 2011 Warrants have been sold and shall be delivered is Compass Mortgage Corporation;
- (3) the Series 2011 Warrants are to be issued by sale and none thereof is to be issued by exchange;
- (4) the sale price of the Series 2011 Warrants is the par amount thereof, \$16,140,000;
- (5) no obligations have previously been issued by the City under the 1996 Indenture or under any indenture supplemental thereto other than \$4,195,000 aggregate principal amount of Utilities Revenue Warrants, Series 1996, dated November 1, 1996, which were issued under the 1996 Indenture and which were refunded simultaneously with the issuance of the Series 2005 Warrants; \$7,735,000 aggregate principal amount of Utilities Revenue Warrants, Series 1997, dated March 1, 1997, which were issued under the First Supplemental Indenture dated as of March 1, 1997, and which were refunded simultaneously with the issuance of the Series 2005 Warrants; \$1,905,000 aggregate principal amount of Utilities Revenue Warrants, Series

10 October 2011

1999, dated June 1, 1999, which were issued under the Second Supplemental Indenture dated as of June 1, 1999, and which were refunded simultaneously with the issuance of the Series 2009 Warrants; \$6,720,000 aggregate principal amount of Utilities Revenue Warrants, Series 2002, dated September 1, 2002, which were issued under the Third Supplemental Indenture dated as of September 1, 2002, and all of which are now outstanding; \$2,300,000 aggregate principal amount of Utilities Revenue Warrants, Series 2003, dated September 1, 2003, which were issued under the Fourth Supplemental Indenture dated as of September 1, 2003, and none of which are now outstanding; \$8,455,000 aggregate principal amount of Utilities Revenue Warrants, Series 2005, which were issued under the Fifth Supplemental Indenture dated as of March 1, 2005, and which are now outstanding in the aggregate principal amount of \$7,135,000; and \$1,250,000 aggregate principal amount of Utilities Revenue Warrants, Series 2009, which were issued under the Sixth Supplemental Indenture dated as of April 2, 2009; and which are now outstanding in the aggregate principal amount of \$1,070,000;

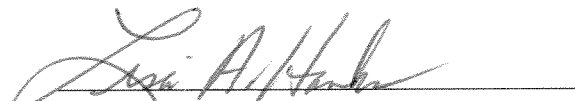
(6) the Series 2011 Warrants are to be issued for the purpose of (a) refunding (on a current basis) the said Series 2002 Warrants, (b) providing approximately \$8,600,000 for the acquisition and construction of capital improvements to the City's water works and sanitary sewer system, and (c) paying the costs related to the issuance of the Series 2011 Warrants.

ADOPTED this 10th day of October, 2011



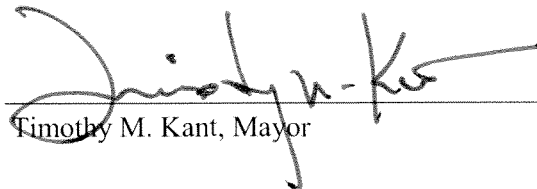
Lonnie L. Mixon, Council President

ATTEST:



Lisa A. Hanks, MMC
City Clerk

APPROVED this 10th day of October, 2011



Timothy M. Kant, Mayor

10 October 2011

Councilmember Ford introduced in writing Ordinance No. 1456, an ordinance to authorize the issuance of the City's Utility Revenue Warrants in the principal amount of \$16,140,000. In order to take immediate action, Councilmember Stankoski moved for immediate consideration. Seconded by Councilmember Kingrea, motion for immediate consideration passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None. Councilmember Quinn then moved for final adoption of Ordinance No. 1456. Seconded by Councilmember Kingrea, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the City of Fairhope to reimburse itself for expenditures prior to the issuance of the General Obligation Warrant for the public street repairs and improvements. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1857-11

BE IT RESOLVED by the City Council (herein called the "Council") of the City of Fairhope (herein called the "City") in the State of Alabama as follows:

Section 1. Findings. The Council has ascertained and determined and hereby finds and declares as follows:

- (a) The City proposes to issue its \$2,000,000 general obligation warrant (herein called the "Warrant") for the purpose, among other things, of paying the costs of providing and constructing various public street repairs and improvements in the City;
- (b) The City expects the Warrant will be issued by not later than December 1, 2011;
- (c) Prior to the issuance of the Warrant, the City expects to incur certain costs in connection with the said improvements and proposes to expend certain moneys in payment of such costs prior to the issuance of the Warrant;
- (d) The City expects to allocate to itself, from the proceeds of the Warrant, moneys to reimburse itself for the expenditures made prior to the issuance of the Warrant and it is expected that the maximum amount of such proceeds that will be allocated to reimburse the City will not exceed \$200,000; and
- (e) Expenditures with respect to the acquisition and construction costs will be paid by the City out of its general fund pending the issuance of the Warrant.


10 October 2011

Section 2. Declaration of Intent. This declaration of intent by the City to reimburse its general fund out of the said proceeds derived from the sale of the Warrant shall constitute a declaration of official intent under Section 1.103-18 of the regulations issued by the Internal Revenue Service under the Internal Revenue Code of 1986, as amended. This declaration of official intent shall be made available for public inspection and shall be set out in the official minutes of the meeting of the Council at which it is adopted.

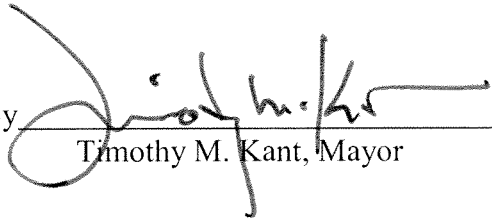
ADOPTED this 10th day of October, 2011

By 
 Lonnie L. Mixon, Council President

ATTEST:

By 
 Lisa A. Hanks, MMC
 City Clerk

APPROVED this 10th day of October, 2011

By 
 Timothy M. Kant, Mayor

Councilmember Kingrea introduced in writing Ordinance No. 1457, an ordinance to authorize the issuance of the City's General Obligation Warrant in the principal amount of \$4,200,000. In order to take immediate action, Councilmember Quinn moved for immediate consideration. Seconded by Councilmember Stankoski, motion for immediate consideration passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None. Councilmember Kingrea then moved for final adoption of Ordinance No. 1457. Seconded by Councilmember Ford, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

10 October 2011

Councilmember Ford introduced in writing an ordinance to amend Ordinance No. 1443 known as the City of Fairhope's Noise Ordinance Article I. – Division I. In General. Section 12-4. Noise in Residential Districts. Since there was no motion for immediate consideration, this ordinance will layover until the October 24, 2011 City Council meeting.

Council President Mixon announced that Agenda Item Number 24 would be voted on by the departments. Councilmember Kingrea moved to grant the request of the Gas Department to fill the vacancy for Equipment Operator and Crew Leader by promoting within the Department; and if needed to allow filling the positions of those being promoted. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Councilmember Ford moved to grant the request of the Finance Department to fill the position of City Accountant with a salary of \$55,000; motion failed for lack of a second.

Councilmember Stankoski moved to grant the request of the Police Department to fill the position for Full-time Dispatcher and two Police Officers. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Ford moved to grant the request of the Recreation Department to fill the vacancy for two Fitness Floor Attendants and a Spinning Instructor. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Quinn moved to grant the request of the Water & Sewer Department to fill the vacancy for Assistant Superintendent. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Quinn moved to grant the request of the Purchasing Department to fill the position for Full-time Purchasing Clerk. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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

Councilmember Quinn moved to grant the request of the Water & Sewer Department to fill the vacancy for Assistant to the Mayor with a salary of \$35,000. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

10 October 2011

Councilmember Ford moved to grant the request of the Senior and Special Services Department to create and fill the position for Museum Assistant. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

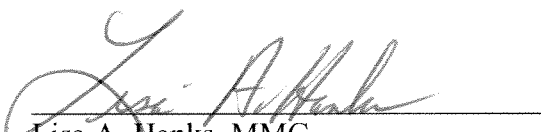
City Council reviewed an application for a Special Retail License by Greg McNally, Alan's Grill, and L.L.C., located at 19841 Quail Creek Drive, Fairhope, Alabama. Councilmember Quinn moved to approve the issuance of the license. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Kingrea moved to grant the request of Austin Lee with Celebration Church requesting permission to hold the Celebration Church Fall Festival at Volanta Park, in the large open space near pool, on October 30, 2011 from 8:00 a.m. to 9:00 p.m. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:42 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, MMC
City Clerk