

**CITY OF FAIRHOPE  
CITY COUNCIL AGENDA**

**MONDAY, 24 OCTOBER 2011 - 6:00 P.M. - CITY COUNCIL CHAMBER**

**Invocation and Pledge of Allegiance**

1. Approve Minutes of 10 October 2011 Regular City Council Meeting, 10 October 2011 Public Participation/Work Session.
2. Old Business
3. Report of the Mayor
4. Council Comments
5. City Administrator
6. Recognition – Barry Lee Booth, DMD, as City of Fairhope Veteran of the Year
7. Appointment – Personnel Board – Judith Hale
8. Public Participation

—————▶ Addressed Item 17

9. Resolution – Authorizing Mayor Timothy M. Kant to execute an Agreement with Thomas Hospital for use of City Facilities.
10. Resolution – Authorizing Mayor Timothy M. Kant to execute an Agreement with Eastern Shore Art Center for use of City Streets.
11. Resolution – To purchase thirty five (35) man hole covers for the Public Works Department.
12. Resolution – To purchase a vehicle for the Nix Center, Adult Recreation Department.
13. Resolution – Authorizing Mayor Timothy M. Kant and Nancy Wilson to execute the acceptance and approval of Proposal from RBC Bank for the General Obligation Warrant Line of Credit.
14. Resolution – Authorizing Mayor Timothy M. Kant to execute the Joint Use Pole Attachment Agreement with Mediacom Southeast, L.L.C.
15. Resolution – Authorizing Mayor Timothy M. Kant to execute the First Amendment of the Joint Use Pole Attachment Agreement with BellSouth Telecommunications, LLC d/b/a AT&T Alabama.
16. Resolution – Authorizing City Administration to develop and issue a RFQ for a Solid Waste Study.

—————▶ 17. 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. (Introduced at the October 10, 2011 City Council Meeting)

18. Ordinance – Annexation – Charles F. Carr and Lyn W. Carr’s property, located at 8931 County Road 34, Fairhope, Alabama. 46-08-28-0-000-023-009.
19. Ordinance – Annexation – Judy Wolfe’s property, located at 8940 County Road 34, Fairhope, Alabama. 46-08-33-0-000-001.006.
20. Ordinance – Amending Ordinance No. 1384, Section 2, An Ordinance Allocating the Funds Collected from The City of Fairhope’s Sales and Use Tax.
21. Ordinance – Amending Ordinance No. 1385, Section 6, known as the City of Fairhope’s Sales and Use Tax Ordinance.
22. Request – John Brandon, Fairhope Optimist Club, use of area behind Fairhope Public Library for Christmas Tree sales.
23. Request – Approval of reorganization of Recreation Department and Public Works Department.
24. Request – Change the title of the Director of Senior Services to Director of Community Affairs.
25. Request – To fill the vacancy of the Assistant Water Operator for the Water Department.

**ADD ON** Motion to authorize Mayor Timothy M. Kant to execute a contract with Auburn University (Dr. Feng) for Phase I for the Quantitative Determination of Fecal Pollution Sources at Fairhope Municipal Beach with the cost of \$25,036; and to authorize Mayor Timothy M. Kant to execute a contract with CH2MHILL for a study of all relevant data for cause of contamination and close of Fairhope Beaches with the cost less than \$7,500.

26. Adjourn

**Financial Advisory Committee meeting begins at 4:45pm in Council Chambers  
Work Session begins at 5:15pm in Council Chambers**

**Next Regular Meeting Monday, November 14, 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, 24 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 Reverend Donald M. Smith, from St. James Episcopal Church, and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 10 October 2011, regular meeting. He then stated if there are no corrections, the minutes stand approved as written.

Council President Mixon asked if there were any corrections to the minutes from the 10 October 2011, public participation/work session meeting. He then stated if there are no corrections, the minutes stand approved as written.

Mayor Kant addressed the City Council with the following items:

- 1) Scott Sligh was recognized for the nice article about Fairhope in "Public Power" and mentions all he has done for the City.
- 2) Paving Project has begun and should be finished in the next few weeks.
- 3) The Sales Tax Ordinances was mentioned about being introduced and discussed at the next City Council meeting.

Council President Mixon addressed the City Council and read the following letter from David Clark, Manager of the Grand Hotel, regarding the City of Fairhope Gas Department:

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\*

24 October 2011



David Clark  
General Manager

October 18, 2011

The Honorable Tim Kamt  
Mayor  
City of Fairhope  
P. O. Drawer 429  
Fairhope, AL 36534

Dear Mayor Kamt:

On behalf of the Grand Hotel Marriott Resort, Golf Club & Spa, I would like to recognize the exceptional efforts of the City of Fairhope Utility Department who addressed a critical situation in the natural gas lines at the Grand Hotel throughout the night of September 23<sup>rd</sup> and into the morning of September 24<sup>th</sup>.

Under the leadership of Robert Rohm, along with the tremendous efforts of Jeremy Little, James Keith, George Ladd, and Taylor Wesson, these gentlemen were able to restore natural gas services to the hotel and customers! They worked tirelessly throughout the night to find a solution to the gas leak and through their spirit to serve and passion for excellence, saved us from what could have been an extremely challenging situation. Their extraordinary performance ensured our hotel and guest success, as the Grand Hotel was booked to capacity during the weekend of September 24<sup>th</sup>. We would have experienced adverse operating and guest satisfaction issues without gas service restoration.

It would be an understatement to say that we sincerely and deeply appreciate the utility services provided to the Grand Hotel and look forward to our continued partnership with the City of Fairhope. Thank you.

David Clark,  
General Manager

cc: Jennifer Fuller, Director of Public Works, City of Fairhope  
Steve Solberg, Chief Executive Officer, PCH Hotels & Resorts  
Sam Sealy, Director of Engineering  
Executive Committee, Grand Hotel Marriott

Grand Hotel Marriott Resort, Golf Club & Spa  
One Clubhouse Lane, PO Box 42975, Fairhope, AL 36534  
Telephone: 904.964.1100, Fax: 904.964.1101  
www.grandhotelmariott.com

Council President Mixon told Steve Seay, Gas Superintendent, well done and thank you for your hard work.

Councilmember Quinn addressed the City Council and announced that Dr. Winslow Sergeant, Chief Counsel of the Office of Advocacy for the Small Business Administration would be speaking to the merchants in the Fairhope area on October 27, 2011 at 8:30 a.m. at the Fairhope Civic Center in the Council Chambers. The meeting will be an open conversation on retention and growth of small businesses. Glenn Boom, SCORE member, will also be attending. The meeting is free and open to the public. Ms. Quinn also thanked Sherry Sullivan for all of her work with this event.

Councilmember Stankoski addressed the City Council and recognized the Public Works Department for putting up Christmas lights.

Councilmember Kingrea addressed the City Council and commented on the ball game that was televised which was sponsored by C-Spire. He was told by several individuals that the coverage was unbelievable.

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Councilmember Kingrea moved to authorize Mayor Timothy M. Kant to send letter of appreciation to C-Spire. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Kingrea mentioned he had received several complaints regarding people's cars being towed who parked in no parking zones. They were complaining because there were no signs marking that, so next time we need to make plans they could not park or if they parked then their car would be towed. He asked the Police Department to help with this issue.

Mayor Kant and Joe Birindelli addressed the City Council and announced that Dr. Barry Lee Booth who was recommended as the Veteran of the Year. Mr. Birindelli commented that the deliberation was very easy and it was a unanimous vote. Mayor Kant presented Dr. Booth as the City of Fairhope's Veteran of the Year for 2011 and Dr. Booth was given a key to the City. The following is the brief history of Dr. Barry Lee Booth read by Joe Birindelli:

**BARRY LEE BOOTH, D.M.D.**

*Barry Lee Booth, D.M.D. likes to say he runs a "fillin' station" in Spanish Fort. In fact he runs a successful dental practice in that growing Alabama town, just east of Mobile and has been doing so in the same location for 41 years.*

*A native of Charleston, West Virginia, Dr. Booth worked his way through college and dental school, graduating from Auburn University in 1962 and the University of Alabama School of Dentistry in 1966. He served his country as a Lieutenant in the United States Navy from 1962 to 1969, during which time he spent 1966 and 1967 in Vietnam, attached to the Marine Corps.*

*Dr. Booth is a member of the Vietnam Veterans of America, Sons of the American Revolution and a life member of the American Legion Post 199 and the Veterans of Foreign Wars. In 2005 Governor Bob Riley appointed Dr. Booth to the USS Alabama Battleship Commission and he also serves on the Spanish Fort Education Enrichment Foundation.*

*For several years Dr. Booth participated in the United States Naval Academy's recruitment program and continues to be an active supporter of ROTC programs at area high schools. He remains a dedicated veterans' advocate, helping to organize the placement of a Vietnam Memorial at the USS Alabama Battleship Park and most recently assisting with Honor Flight South Alabama, a program which flies WWII veterans to Washington to see the WWII Memorial placed in their honor.*

*Dr. Booth is the father of Stacy, Justin and Erin. He enjoys travelling on his motorcycle, photography and being a PaPaw to his grandboys, Brodae and Angus.*

Dr. Booth stated it is a privilege to represent the Veteran community in any endeavor. He thanked the City Council and the Mayor for their support. He said the City of Fairhope jumped the line first for the Honor Flight program. When the cemetery initiative began, the City of Fairhope was right up front to support and promote it.

24 October 2011

Dr. Booth mentioned the ground breaking for the Alabama State Veterans Cemetery in Spanish Fort. He also mentioned all of the people in the background that were involved: John Tyson, Sr. initiated the project, Colonel Bill Calendar, Senator Sessions, Congressman Bonner, Baldwin County Commission, Albert Lipscomb, Cal Markert, David Connor, and others. The Veteran Community makes it all happen. The bond for each other is absolutely indescribable and intangible. The protected will never understand.

City Administrator Gregg Mims addressed the City Council on the following items:

- 1) Police Department put out a press release regarding a missing person today; he has been located.
- 2) Dan McCrory received from the Center for Disease Control an award for our Public Water System. This is the 5th year the City of Fairhope has received this award from the Health Department.

Councilmember Quinn moved to appoint Judith Hale to the Personnel Board. Seconded by Councilmember Stankoski, motion passed unanimously by the voice vote.

The following individuals spoke during Public Participation:

1. Curtis P. Gordon, 54 N. Church Street, addressed the City Council regarding Agenda Item Number 17 pertaining to the Noise Ordinance. He first stated the Veterans are why we are here tonight. We should celebrate life or give it up. We have Mardi Gras, the Symphony on the Bluff, Christmas Parade, and so much to offer people from out of town. Somehow we need to find a compromise.
2. Patricia R. Havard, 125 Volanta Avenue, addressed the City Council regarding Agenda Item Number 17 pertaining to the Noise Ordinance. Mrs. Havard stated she and Clay have lived here for 20 plus years. The City Council needs to vote to amend the ordinance and accept the 65 decibels. We are not against music jus the loud blatant noise.
3. Douglas F. Kennedy, 121 Volanta Avenue, addressed the City Council regarding Agenda Item Number 17 pertaining to the Noise Ordinance. Mr. Kennedy stated he liked music, but not music played at Fly Creek which is played three to four hours each night up to three to five nights per week. This is the noisiest City in Alabama. The noise level is measured at the corner of house, but in other Cities it is measured at the property line. The decibel level should be lowered to 65 decibels, the noise should be measured at the property line, and only one warning should be given. Mr. Kennedy read an e-mail from Marion McPherson who mentioned there is continuous noise which affects family and life.

24 October 2011

4. Tricia Niemeyer, Fly Creek Café, addressed the City Council regarding Agenda Item Number 17 pertaining to the Noise Ordinance. Ms. Niemeyer thanked the City Council for handling issue and stated she had a petition from thousands of citizens and visitors. She asked the City Council to help her find a solution; rather than hurting other businesses in Fairhope. Ms. Niemeyer stated she has lived in Fairhope and raised my kids here. There are three complainers of this business.
5. Charles Brasher, 101 Berglin and Fly Creek Café manager, addressed the City Council regarding Agenda Item Number 17 pertaining to the Noise Ordinance. He said they document all bands with a couple of decibel meters. He mentioned wind and humidity are contributing factors. We employ 26 employees and 22 of these are citizens of Fairhope who spend money in Fairhope. He asked the City Council to think about the benefit it provides to the community. Mr. Brasher said seventy-seven percent of what they sell is food and twenty-three percent is alcohol. We hold birthday parties, anniversary parties, rehearsal dinners, etc. which are necessary to drive business.
6. Jim Horner, 117 Volanta Avenue, addressed the City Council regarding Agenda Item Number 17 pertaining to the Noise Ordinance. In residential area, the maximum 85 decibels does not work. Lowering the level to 65 decibels will help with a compromise. It will not adversely affect their business.
7. Billie Carlisle, 104 N. Bay View, addressed the City Council regarding Agenda Item Number 17 pertaining to the Noise Ordinance. Ms. Carlisle stated she has lived at this address for 20 years. The whooping and hollering is from the children playing in the sand. We have birthday celebrations and happy people make noise. She asked for the City Council to consider the contribution of Fly Creek to the City.
8. Lisette Normann, 106 W. Summit Street, addressed the City Council regarding Agenda Item Number 17 pertaining to the Noise Ordinance. Ms. Normann stated her family originally owned the Yard Arm and several other businesses in town. Ms. Normann said she was born and raised in Fairhope; and it is a travesty that we could be here because of four people which will affect 16,000 people. We should be commending Tricia for turning around the Fly Creek Café which was a defunct business. She commented they would not be happy if you lowered to limit to 50 decibels.
9. William Stitt, 3 Sans Souci Lane, addressed the City Council regarding Agenda Item Number 17 pertaining to the Noise Ordinance. The current system of measurement seems to be working fine. It allows music to be loved by everyone in numerous events. Mr. Stitt said he has always said Fairhope throws a parade when a child loses a tooth. Fairhope loves to have a good time. Special events sanctioned by the City are given an exclusion from the noise ordinance. Mr. Stitt said he is a business owner who pays licenses, taxes, fees, etc. The message being sent is not a good one; the Government is now monitoring the sound which is unattainable.

Councilmember Quinn moved to address Agenda Item Number 17, an Ordinance amending Ordinance No. 1443 known as the City of Fairhope's Noise Ordinance. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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Councilmember Stankoski moved for final adoption of Ordinance No. 1458, 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. (Introduced at the October 10, 2011 City Council Meeting) Seconded by The motion was seconded by Councilmember Ford.

Councilmember Quinn commented the biggest issue is clash of zoning and the basic complaints are Fly Creek. She mentioned a boat building company could be there with daily sand blasting of ships. She stated maybe we need less government and work out issues on their own.

Councilmember Stankoski said in his opinion this is not an issue of a club on the north side of Fairhope. This needs to be applied City wide. There is an Inn south of town having similar issues. We need to balance the rights of business owners and the rights of property owners. The City has been working on this issue for two and a half years. No one is anti business.

Councilmember Ford stated he had researched a great deal on the issue. He mentioned five suggestions were brought up. The best suggestion was to lower the decibel level, try it for a month, and if it did not work come back to the drawing board. Councilmember Ford said he had received other e-mails from citizens, reviewed police reports, and reviewed ordinances from other Cities. He read over several of the other Cities' ordinances regarding noise levels and decibel levels. The common thread was measuring from the property line.

Councilmember Quinn exited the dais at 7:00 p.m. Returned at 7:02 p.m.

Councilmember Ford said everybody should enjoy the quiet on their own property and we can't put people out of business. The old noise ordinance did not have decibel meters. We need to lower to 65 decibels for a month and try to make everyone happy.

City Attorney Wynne commented the old ordinance was too vague and only mentioned unreasonable noise. The old ordinance could have been constitutionally challenged for vagueness.

Councilmember Kingrea said we should do the changes in increments: first move the measurement from the corner of house to the property line; then drop the decibel level.

After further discussion, motion for final adoption passed by the following votes: AYE – Stankoski, Mixon, and Ford. NAY – Quinn and Kingrea.



24 October 2011

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an Agreement with Thomas Hospital for use of City Facilities. The motion was seconded by Councilmember Kingrea. Councilmember Quinn commented we have always waived the fees for the hospital. They provide community programs for schools and the community. Councilmember Stankoski asked for clarification on the difference between a fee waiver and having a contract. City Attorney Wynne said that the City could contract with an organization if the organization gives back to the community; a public entity cannot give money or property to a non-governmental entity.

Mr. Wynne said a contract allows the City to give money or property to a non-governmental entity on a quid pro quo basis. He said the value of the quid pro quo is the Council's decision; but the entity must render a service to the City. He stated Thomas generates a great deal to the City. Councilmember Kingrea said this is a very touchy subject because a girl last meeting asked for a waiver and we couldn't do it. In the past we have signed contracts with Thomas Hospital and others. This is not a complete waiver of all fees for Thomas.

City Attorney Wynne mentioned he may have a conflict since he is on the Board at Thomas and is the City Attorney; and has a conflict that needs to be disclosed. Council President Mixon replied we passed a resolution last August to not waive fees and we need to take a stand for the resolution. He said it states that a 501(c)(3) non-profit organization would pay fifty percent of the fees. We either throw away this resolution or abide by this resolution. After further discussion, motion passed by the following voice votes: AYE – Quinn, Stankoski, Ford, and Kingrea. NAY - Mixon.

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24 October 2011

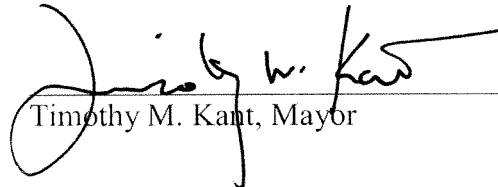
**RESOLUTION NO. 1858-11**

**WHEREAS**, Thomas Hospital serves a public purpose and the publicity that the Thomas Hospital gives the City of Fairhope is a public service; and,

**WHEREAS**, We, Thomas Hospital, agree to work with the Mayor, and /or his agent(s), to promote the City of Fairhope and to contribute time, employees, and other resources putting on health related programs, meetings and programs affiliated with Thomas Hospital, throughout the year in the Fairhope community, schools or at the hospital facilities. Many events, schools, and Fairhope programs are sponsored by Thomas Hospital. The Thomas Hospital Auxiliary provides hours of service to the hospital that benefit Fairhope citizens; and

**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 Thomas Hospital for use of the City facilities (rental and cleaning fees) depending on availability and permission from the Rental Facilities Manager; but they would be responsible for any incidentals, damages, or security if necessary.

ADOPTED this 24th 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 execute an Agreement with Eastern Shore Art Center for use of City Streets. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

24 October 2011

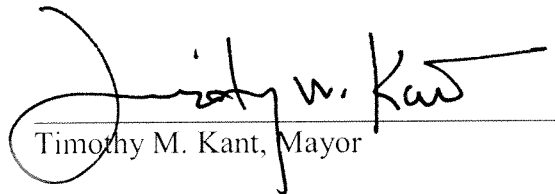
**RESOLUTION NO. 1859-11**

**WHEREAS**, the Eastern Shore Art Center serves a public purpose and the publicity that the Eastern Shore Art Center gives the City of Fairhope is a public service; and,

**WHEREAS**, We, the Eastern Shore Art Center, 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 provide public art as well as cultural opportunities, art education, and art festivals for residents and visitors; and

**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 Art Center for use of the City use of the City streets, Section Street from just North of Magnolia to Oak Street and on Oak Street; Section to Bancroft for the Outdoor Art Show in March, but not security after normal business hours.

ADOPTED this 24th day of October, 2011



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 purchase thirty five (35) manhole covers for the Public Works Department. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

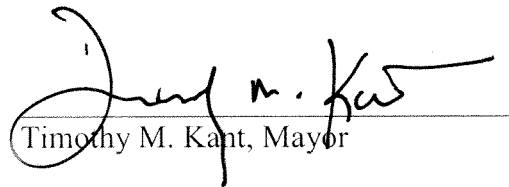
24 October 2011

**RESOLUTION NO. 1860-11**

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

[1] That the City of Fairhope has voted to purchase thirty five (35) manhole covers for the Street Department and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7) to obtain informal quotes and purchase thirty five (35) manhole covers to replace those stolen. The cost will be approximately \$8,487.50.

Adopted on this 24th 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 to purchase a vehicle for the Nix Center, Adult Recreation Department. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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24 October 2011

**RESOLUTION NO. 1861-11**

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

[1] That the City of Fairhope has voted to purchase a 2012 Jeep Liberty for the Nix Center and the type of vehicle needed is on the Alabama State Department of Purchasing bid list and therefore does not have to be let out for bid; and

[2] The following is the Alabama State Department of Purchasing contract information:

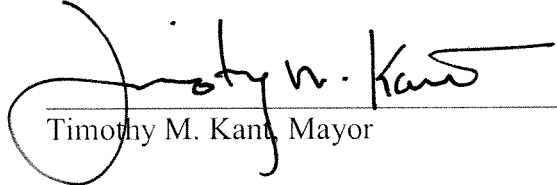
Bid Number for Vehicle: T191

Contract Number: 4011757


2012 Jeep Liberty (4-Door SUV)

**Not to Exceed \$18,000**

Adopted on this 24th day of October, 2011

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

Attest:

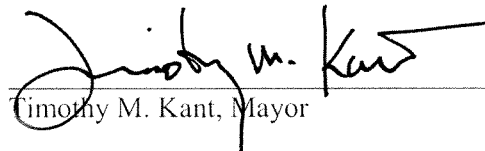
  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant and Nancy Wilson to execute the acceptance and approval of Proposal from RBC Bank for the General Obligation Warrant Line of Credit. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

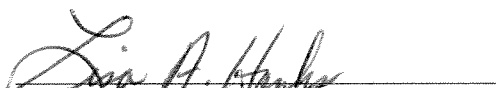
24 October 2011

**RESOLUTION NO: 1862-11**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE,** that Mayor Timothy M. Kant and Nancy Wilson, Treasurer, are hereby authorized and directed to execute, for and on behalf of the City, the acceptance and approval of Proposal from RBC Bank for the General Obligation Warrant line of credit in the amount of Two Million Dollars (\$2,000,000.00) for Street Improvements for a term of one year.

Adopted on this 24th day of October, 2011  
\_\_\_\_\_  
Timothy M. Kant, Mayor

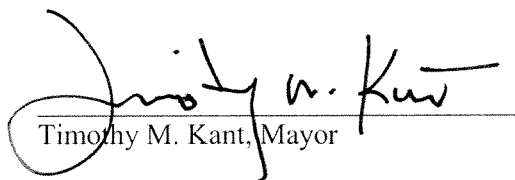
Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

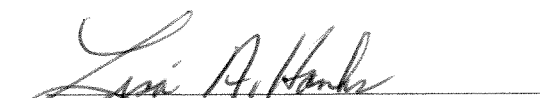
Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute the Joint Use Pole Attachment Agreement with Mediacom Southeast, L.L.C. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

**RESOLUTION NO: 1863-11**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE,** that Mayor Timothy M. Kant is hereby authorized to execute the Joint Use Pole Attachment Agreement with Mediacom Southeast, L.L.C.

Adopted on this 24th day of October, 2011  
\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

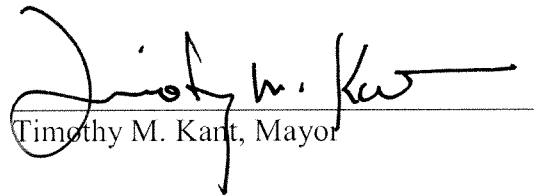
24 October 2011

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute the First Amendment of the Joint Use Pole Attachment Agreement with BellSouth Telecommunications, LLC d/b/a AT&T Alabama. Seconded by Councilmember Ford, motion passed unanimously by voice vote.


**RESOLUTION NO: 1864-11**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE**, that Mayor Timothy M. Kant is hereby authorized to execute the First Amendment of the Joint Use Pole Attachment Agreement with BellSouth Telecommunications, LLC, d/b/a AT&T Alabama.

Adopted on this 24th 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 City Administration to develop and issue a RFQ for a Solid Waste Study. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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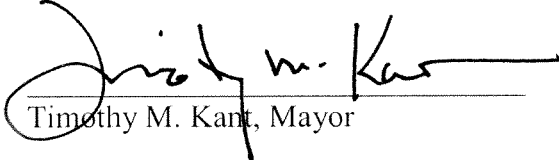
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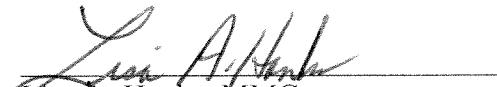
**RESOLUTION NO. 1865-11**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Administration has authorization to develop and issue a Request for Qualifications (“RFQ”) for a Solid Waste Study.

Adopted on this 24th day of October, 2011

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

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

Councilmember Ford introduced in writing an Ordinance to annex Charles F. Carr and Lyn W. Carr’s property, located at 8931 County Road 34, Fairhope, Alabama. Parcel ID No. 46-08-28-0-000-023-009. Council President Mixon questioned City Clerk Lisa Hanks as to the petition for annexation, the copy of deed with legal description including the book and page of recordation, the map showing the property to be annexed, physical address of property to be annexed, Tax Parcel Number as assessed, and size of property to be annexed.

City Clerk Hanks replied the deed is in the City Clerk’s office and has recordation, the physical address is based on the deed, the Tax Parcel Number is on the total property, and the size of the property is based on the metes and bounds which were certified by a surveyor prior to preparing the ordinance.

Mayor Kant explained the easement which is one of the ways acceptable to annex properties in Fairhope and all over the State of Alabama. He mentioned other annexations which were done with an easement: Carya Pointe, White Grove, Point Clear Woods, and the Colony at the Grand connected using this type of easement. The easement must be through private property. Mayor Kant mentioned Montrose annexations used easements to connect.



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In order to take immediate action, Councilmember Ford moved for immediate consideration. The motion for immediate consideration failed for lack of a second, this will layover until the November 14, 2011 City Council meeting.

Councilmember Stankoski introduced in writing an Ordinance to annex Judy Wolfe's property, located at 8940 County Road 34, Fairhope, Alabama. Parcel ID No. 46-08-33-0-000-001-006. Due the Carr's property needing to be annexed first and it will layover; then this ordinance will also layover until the November 14, 2011 City Council meeting.

Councilmember Quinn introduced in writing an Ordinance amending Ordinance No. 1384, Section 2, an Ordinance allocating the funds collected from the City of Fairhope's Sales and Use Tax. In order to take immediate action, Councilmember Kingrea moved for immediate consideration. Seconded by Councilmember Quinn, motion for immediate consideration failed for lack of unanimous vote. This proposed ordinance will layover until the November 14, 2011 City Council meeting.

Councilmember Quinn introduced in writing an Ordinance amending Ordinance No. 1385 known as the City of Fairhope's Sales and Use Tax Ordinance. Since there was no motion for immediate consideration, this proposed ordinance will layover until the November 14, 2011 City Council meeting.

Councilmember Ford moved to grant the request of John Brandon, Fairhope Optimist Club, requesting permission to use the area behind Fairhope Public Library for Christmas Tree sales. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Council President Mixon stated that the Recreation Department needed to be separated into two independent divisions: one division over the Recreation Department, Pools, and Tennis Court staff; and the other division over Parks and other Recreation staff.

Council President Mixon also stated that the Public Works Department has grown by leaps and bounds over the years; and this department has approximately 60 employees and should be separated into three independent divisions: garbage; landscape/parks; and construction/streets with approximately 20 employees in each division. This would be more effective for managing the department. We will have the job descriptions for next meeting and personnel allocated.

Councilmember Kingrea moved to approve the reorganization of the Recreation Department and the Public Works Department. The motion was seconded by Councilmember Quinn.

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Councilmember Quinn moved to vote on these two requests separately. Seconded by Councilmember Ford, motion failed by the following voice votes: AYE – Quinn and Ford. NAY – Mixon. Councilmembers Stankoski and Kingrea did not respond to either; Council President Mixon announced the motion failed.

Mayor Kant stated the Recreation Department needs help; and the job descriptions and salary information are in the bluebooks. Councilmember Stankoski questioned about the Public Works Department; the Mayor will come back with an organizational chart, job descriptions, sphere of control, and employees in each department. Council President Mixon said we are only establishing three departments in Public Works.

After further discussion, Councilmember Stankoski moved to table Agenda Item Number 23 Approval of Reorganization of the Recreation Department and Public Works Department and vote on these when the City Council gets an organizational chart and job descriptions from the Mayor at the next City Council meeting. Seconded by Councilmember Kingrea, motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – Ford.

Councilmember Quinn moved to approve the change in title of the Director of Senior Services to the Director of Community Affairs. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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

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

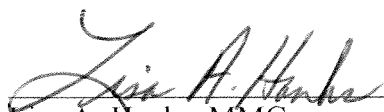
Councilmember Quinn moved to authorize Mayor Timothy M. Kant to execute a contract with Auburn University (Dr. Feng) for Phase I for the Quantitative Determination of Fecal Pollution Sources at Fairhope Municipal Beach with the cost of \$25,036; and to authorize Mayor Timothy M. Kant to execute a contract with CH2MHILL for a study of all relevant data for cause of contamination and close of Fairhope Beaches with the cost less than \$7,500. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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There being no further business to come before the City Council, the meeting was duly adjourned at 7:40 p.m.



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Lonnie L. Mixon, Council President



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Lisa A. Hanks, MMC  
City Clerk