

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

MONDAY, 25 APRIL 2011 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve Minutes of 11 April 2011, Regular City Council Meeting, 11 April 2011 Public Participation/Work Session
2. Presentation – Law Day Proclamation
3. Old Business
4. Report of the Mayor
5. Council Comments

ADD ON Motion to approve spending \$10,400.00 for Engineering for Theatre 98 to build a Storage Building and authorizing to hire Hutchinson Moore and Rauch, LLC.

6. City Administrator
7. Public Participation
8. Appointment – Historic Preservation Committee – Ralph Thayer
9. Resolution – Authorizing Mayor Timothy M. Kant to write a letter to the City of Foley in support of its stream restoration project and allow the City of Foley to use the City of Fairhope’s \$202,000.00 portion of the Special Appropriations Grant.
10. Resolution – That the City Council acknowledges and supports all procedures carried out related to the Deep Water Horizon Oil Spill Response.
11. Resolution - Authorizing Mayor Timothy M. Kant to sign the Municipal Water Pollution Prevention Program (MWPP) Report for 2010.
12. Resolution – Proposing fees associated with rental of City of Fairhope Recreation Parks.
13. Resolution – That certain items are declared surplus and the Mayor and City Treasurer are authorized and directed to dispose of personal property owned by the City of Fairhope by receiving bids and being sold to the highest bidder.
14. Resolution – To purchase Eight Sets of Turn Out Equipment for the Fairhope Volunteer Fire Department.
15. Resolution – To purchase Six Sets of SCBA Equipment for the Fairhope Volunteer Fire Department.
16. Ordinance - Final Adoption – 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 April 11, 2011 City Council Meeting)

City Council Meeting

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17. Ordinance – Annexation – Silas L. Peters and Tracy W. Peters property, located at 7237 Charbon Drive, Fairhope, Alabama. 46-03-07-0-000-025.000.
18. Ordinance – An Ordinance Establishing the City of Fairhope Historic Districts and Landmark Commission.
19. Approval of Franchise Agreement between the City of Fairhope and Wild Native, Inc. for use of Fairhope beach and pier for rental/tours with canoes, kayaks, pedal boats, as well as placement of a kiosk.
20. Executive Session – Discuss Pending Litigation
21. Adjourn

Next Regular Meeting Monday, May 9, 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, 25 April 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 Associate Pastor Jeff Ingram, of First Baptist Church, and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 11 April 2011, regular meeting. Councilmember Stankoski stated that the second to the last paragraph needed to be amended to read: "I have struggled with this situation for over two years trying to balance business and commercial rights with those of citizens living in nearby residences. After two years, I concluded there will be no winner or satisfied entity. I am not Solomon and am not infallible. However, if I do err in this situation, I will always want to err on the side of our neighborhoods and I am not anti-business."

Councilmember Quinn stated that the last paragraph needed to be amended to read: She stated that in looking at other Cities she tried to find a City that has a mixed use downtown because whatever we do will affect the whole City; and Mobile which has mixed use, is not the answer. The City of Mobile does not have a noise ordinance for its downtown area, but they are looking at one. They hired engineers to do a noise assessment; and that way they could base their decibels on actual numbers and make an educated decision. Mayor Kant questioned how much the assessment cost. Councilmember Quinn replied they did two assessments which totaled around \$2,500.00. Councilmember Quinn moved to amend the minutes as stated above. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Council President Mixon asked if there were any corrections to the minutes from the 11 April 2011, public participation/work session. He then stated if there are no corrections, the minutes stand approved as written.

Council President Mixon thanked Sherry Sullivan, Alex Robinson, and staff along with the Downtown Merchants Association put together a visitors' guide which is an excellent brochure. He also recognized City Administrator Gregg Mims who has been appointed to the Economic Development Group.

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Sam Irby read the following Law Day Proclamation; and asked for City Attorney Marion E. Wynne, Councilmember Rick Kingrea, and Mayor Kant to come forward for a picture.

LAW DAY

WHEREAS, on May 1, 1958, President Dwight D. Eisenhower established Law Day as “a day of national dedication to the principles of government under law.” Law Day annually provides us an opportunity to celebrate our commitment to the rule of law. This commitment is enshrined in the Declaration of Independence and the United States Constitution, and has been reaffirmed throughout our Nation’s history; and

WHEREAS, Title 36, Section 113 of the United States Code bears the declaration of Law Day’s existence, stating: “Law Day, U.S.A., is a special day of celebration by the people of the United States...in appreciation of their liberties and the reaffirmation of their loyalty to the United States and of their rededication to the ideals of equality and justice under law in their relations with each other and with other countries; and for the cultivation of the respect for law that is so vital to the democratic way of life;” and

WHEREAS, on and around May 1, 2011, communities across the country will join together to celebrate the fifty-fourth observance of Law Day which reaffirms the principles upon which our great nation was founded. This observance emphasizes proper adherence to the rule of law. As Americans, we continue to preserve these principles through our lawmaking and judicial systems; and

NOW, THEREFORE, I, Timothy M. Kant by virtue of the authority vested in me as Mayor of the City of Fairhope, and the City Council of the City of Fairhope, Alabama, do hereby proclaim May 1, 2011, as Law Day in Fairhope. We call upon the people of the city of Fairhope to reflect on the legacy of Law Day by taking part in a national conversation regarding the principles of law. By highlighting these principles, we can help ensure that that the United States remains dedicated to the principles of government under law. We further call on the citizens of Fairhope to celebrate the importance of our legal and judicial systems with appropriate ceremonies and activities, and to display the flag of the United States and our state in support of this educational observance. Finally, We further encourage schools, businesses, media, religious institutions, civic, and service organizations to join members of the state bar and bench in commemorating Law Day.

Mayor Kant addressed the City Council with the following items:

- 1) Gary Gover and his staff were thanked for Earth Day.
- 2) Barbara the “Tomato Lady” is back downtown.
- 3) Attended an aviation meeting in Mobile. Continental Motors was bought out by an aviation firm from China. Several delegates will be locating in Fairhope. This is the second largest corporation in China; and they are looking at our airport.

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Council President Mixon questioned the BP money request. Mayor Kant replied we have a verbal approval.

Councilmember Quinn moved to add on and to approve the following item **not** on the printed agenda: motion to approve spending \$10,400.00 for Engineering for Theatre 98 to build a Storage Building and authorizing to hire Hutchinson Moore and Rauch, L.L.C. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Kingrea addressed the City Council with the following items:

- 1) Nichols Street Deck was questioned. Mayor Kant replied the materials were to be move today and should begin sometime next week.
- 2) Eastern Shore Art Center and pine trees were questioned. Jennifer Fidler replied she has so many requests for removals. We are asking expert to evaluate. We took request under consideration.
- 3) Sidewalks around the Elementary School were mentioned. Ms. Fidler said ALDOT grant has not announced grant awards. Mayor Kant stated he would call and request status.

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

- 1) Michael Stonehouse was recognized for his CPR Training Classes. He has trained 250 employees in CPR and began AED program. We had a \$30,000 donation for defibrillators for our Police cars.
- 2) Jason Colee is working with Dan Ames for our land lines and internet; this will be roughly a \$26,000 savings.
- 3) RFQ for our SCADA System and DS-400 System will go out for bid next week.
- 4) Street Map was presented and a resolution will be on the next agenda for adopting an official map for the City of Fairhope.
- 5) Saturday between 10:00 a.m. and 2:00 p.m., in the lobby at the Police Station, will be a drop off location for prescriptions and OTC drugs.

The following individuals spoke during Public Participation:

1. Harry P. Davis, 114 Greenwood Drive, with the Baldwin County Press and Tales of Five Rivers Journal, addressed the City Council regarding Agenda Item Number 10. He said his company called "Save our Shores" was harmed by the BP Oil Spill. He made connections with boom and microbial cleansers; and brought absorbents. If you approve this resolution, you are approving everything and all the procedures carried out related to the Deep Water Horizon Oil Spill Response. Does this include the double bids?

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2. Wink Chapman, 428 Clubhouse Drive, addressed the City Council regarding the Noise Ordinance. He is a small business owner and is here as a citizen. A long time ago we just had complaints and issues and would react to them. What is the real goal for this? Is it being applied to everyone? He sells GE and Bosch products and a washing machine is over 50 decibels when running.

3. Tyler Kean, owner of the Fairhope Inn Restaurant, addressed the City Council regarding the Noise Ordinance. Twenty-five percent of business is in weddings. Wedding parties stay locally; they shop and eat locally. This would affect my business. Six years ago businesses were vacant and now are full. We need a common sense solution and this is overkill.

4. Kristian Aboud, Wild Native, Inc., addressed the City Council regarding Agenda Item Number 19. He mentioned receiving a notification from the City Administrator that he would not recommend the franchise agreement. The kiosk is not a permanent building. He asked what does the City want and that he was willing to work with the City.

5. Carol and Hugh McCoy, 308 Poplar Place, addressed the Fairhope City Council regarding the Noise Ordinance. We are proud of Fairhope and enjoy showing it off. They take friends from Texas to places like Fly Creek Café and never heard a negative thing. The Fly Creek Café is a happy and peaceful place where we take my mother and grandchildren.

6. Tricia Niemeyer, owner of Fly Creek Café, addressed the City Council regarding the Noise Ordinance. Ms. Niemeyer said she brought one of the bands that play at her restaurant to make a point. The band played and then Ms. Niemeyer gave recent facts regarding noise complaints from January 1, 2011 to present: 36 complaints. 19 were residents fighting with each other; 8 were Fly Creek during Arts & Crafts Festival; 8 were downtown Fairhope; and 2 were from gas stations. Ed Baker and Anthony Crawford gave Ms. Niemeyer their time. She mentioned Earth Day having the same band perform as Fly Creek Café. She said we live here, go to church here, and our children go to the same schools.

7. Pete Blohme, owner of Panini Pete's, addressed the City Council regarding the Noise Ordinance. The leadership here will take to heart and make correct decision. This is a unique and vibrant community. We need to keep it special. We need specific rules and guidelines to stay vibrant and preserve what we have. This decision affects a great deal. We need what works best for Fairhope.

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8. Jim Horner, 117 Volanta Avenue, addressed the City Council regarding the Noise Ordinance. He said the misperception is astonishing. Fly Creek Café brought TK representatives over to eat and the music was not loud. We were driving by Tamara's at Church Street and a band was playing on the deck outside. We stopped the car after crossing Magnolia and could barely hear the music. He quoted Bob Gentle say "Reasonable people can make reasonable decisions."

9. B'Beth Weldon addressed the City Council regarding the Noise Ordinance. She called Fairhope the Carmel of the South. It is the community. The Arts & Crafts Festival, Fly Creek Café, Gambinos, American Legion, etc. all have music. Ms. Weldon said Fairhope is a gem and she is proud to call it home. She asked the City Council to reconsider passing the ordinance.

10. David Clarkson, 113 Fairhope/Volanta Avenue, addressed the City Council regarding the Noise Ordinance. Mr. Clarkson said he never called to object to the music, but does object. He mentioned Arlington National Cemetery and how the Federal Government re-routed air traffic so that visitors were free from intrusive and unwanted noise. Easter Sunday residents around Fly Creek Cafe were subjected to music from before noon until early evening. He asked for relief by passing the ordinance with 65 decibels from the property's edge.

11. Mark Bintliff, 503 Dogwood Avenue, addressed the City Council regarding the Noise Ordinance. The general perception of the audience thinks this is a music ordinance; this is a noise ordinance. What about guys who mow grass for a living? What about guys who run sanders for a living? What about guys who use hammers for a living? Are they different from people who play a guitar for a living? What about the Baldwin Pops and Earth Day? Are we going to apply this ordinance evenly or selectively because of few people?

Councilmember Kingrea moved to appoint Ralph Thayer to the Historic Preservation Committee. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Councilmember Quinn moved to deny the passage of a resolution to write a letter to the City of Foley in support of its stream restoration project and allow the City of Foley to use the City of Fairhope's \$202,000.00 portion of the Special Appropriations Grant; to allow City Administration to prepare an application for the funds to survey and evaluate the City's stormwater infrastructure by acquiring hardware and software improvements for the City and collect data. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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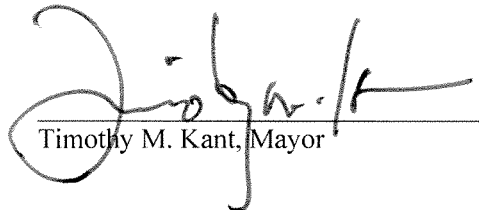
Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council acknowledges and supports all procedures carried out related to the Deep Water Horizon Oil Spill Response. The resolution was seconded by Councilmember Quinn. Councilmember Kingrea stated he did not believe our employees did anything wrong and it bothers him to do this. He is concerned about documents contradicting and we do not need a resolution to stand by our employees; stated he would not vote for it. He said our employees did a great job and we expect them to do things right. Councilmember Stankoski said he concurs with Councilmember Kingrea and sense he did not vote at the time the bids were issued; he would abstain from the vote. Councilmember Ford stated we should support our people that they did nothing wrong. We should back the employees. Councilmember Quinn said that she agrees with Councilmember Ford and Councilmember Kingrea; and she is not sure we need this resolution, but that she felt it may help with the barrage of emails from a few negative individuals and we should move forward with it to protect our employees. After further discussion, the motion passed by the following voice votes: AYE – Quinn, Mixon, and Ford. NAY – Kingrea. ABSTAIN - Stankoski.

RESOLUTION NO. 1773-11

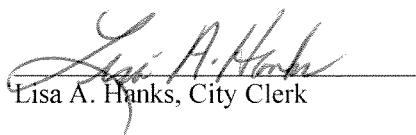
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council acknowledges and supports the following:

- (1) All quotes received for purchases in conjunction with the Deep Water Horizon Oil Spill Response were done in compliance with state law and in compliance with the State of Emergency declaration by the Governor; and
- (2) The City did not elect to amend its debris removal contract, but elected to receive quotes for the emergency; and
- (3) The City Council approved all items purchased at every stage of the process through the various procedures authorized to City Administration; and
- (4) Specifically the Mayor and all City staff involved in securing the response resources did so utilizing best available information from Mobile based Unified Command, and was done in accordance with the law; and
- (5) The resulting purchase of boom was much lower than that of many other Cities and specifically Baldwin County.

Approved and Adopted on this 25th day of April, 2011


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, City Clerk

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Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to sign the Municipal Water Pollution Prevention Program (MWPP) Report for 2010. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

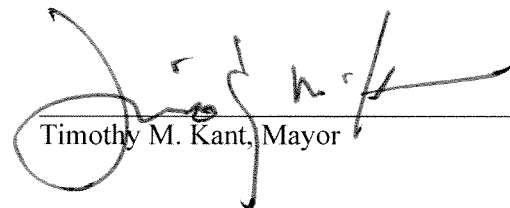
RESOLUTION NO. 1774-11

**MUNICIPAL WATER POLLUTION PREVENTION (MWPP) PROGRAM
ATTACHMENT 1**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to inform the Department of Environmental Management that the following actions were taken by the City Council of the City of Fairhope, Alabama.

1. Reviewed the MWPP Annual Report which is attached to the resolution.
2. Set forth the following actions and schedule necessary to maintain effluent requirement contained in the NPDES Permit, and to prevent the bypass and overflow of raw sewage within the collection system or at the treatment plant:
 - (a) Complete the current water and wastewater system assessment and develop an implementation plan for completing needed improvements necessary for regulatory compliance and to accommodate future growth.
 - (b) Continue to perform O & M requirements to the treatment and collection system and complete repairs when discovered.
 - (c) Continue to provide training opportunities for the operations staff to assist them with maintaining certification and knowledge of current methods and technologies.

Adopted this 25th day of April, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

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Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution proposing fees associated with rental of City of Fairhope Recreation Parks. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1775-11

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby proposes the following fees associated with rental of the City of Fairhope Recreation Parks:

\$50.00 per field per day

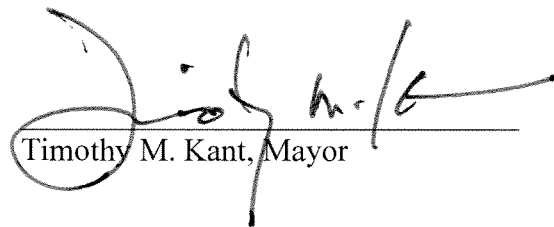
\$300.00 fee per event per day to cover maintenance and personnel

\$500.00 for use of W. C. Majors Field

\$100.00 clean-up fee.

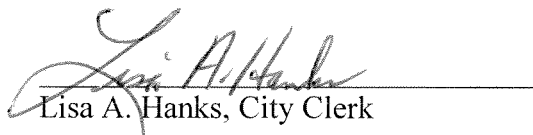
Any additional clean-up fees or damage fees may be assessed by the Parks and Recreation Director if necessary.

ADOPTED THIS 25TH DAY OF APRIL, 2011



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, City Clerk

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution that certain items are declared surplus and the Mayor and City Treasurer are authorized and directed to dispose of personal property owned by the City of Fairhope by receiving bids and being sold to the highest bidder. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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RESOLUTION NO. 1776-11

WHEREAS, the City of Fairhope, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

WHEREAS, Section 11-43-56 of the Code of Alabama of 1975 authorizes the municipal governing body to dispose of unneeded personal property;

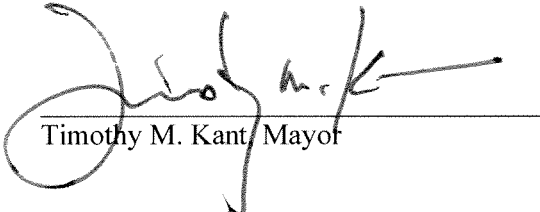
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FAIRHOPE, ALABAMA, AS FOLLOWS:

SECTION 1. That the following personal property owned by the City of Fairhope, Alabama, is not needed for public or municipal purposes, and hereby declared surplus:

[A COPY OF THE LIST OF EQUIPMENT IS ON FILE IN THE CITY CLERK'S OFFICE]

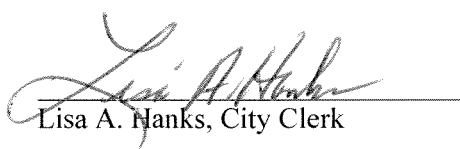
SECTION 2. That the Mayor and City Treasurer are hereby authorized and directed to dispose of the personal property owned by the City of Fairhope, Alabama, described in Section 1, above, by receiving bids for such property. All such property shall be sold to the highest bidder, provided, however, that the City Council shall have the authority to reject all bids when, in its opinion, it deems the bids to be less than adequate consideration for the personal property.

ADOPTED AND APPROVED THIS 25th DAY OF APRIL, 2011



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase Eight Sets of Turn Out Equipment for the Fairhope Volunteer Fire Department. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

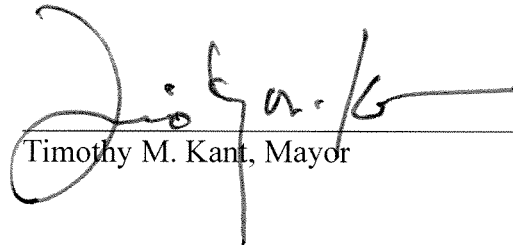
25 April 2011

RESOLUTION NO. 1777-11

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

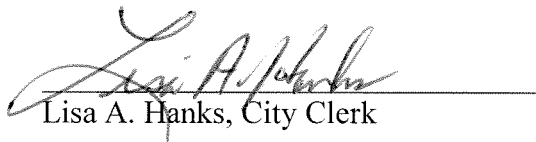
[1] That the City of Fairhope has voted to purchase Eight (8) Sets of Turn Out Equipment for the Fairhope Volunteer Fire Department. The cost will be approximately \$10,592.00.

Adopted on this 25th day of April, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase Six Sets of SCBA Equipment for the Fairhope Volunteer Fire Department. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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RESOLUTION NO. 1778-11

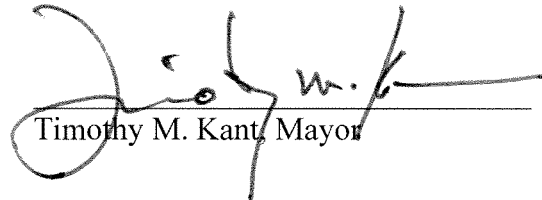
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That the City of Fairhope has voted to purchase Six (6) Sets of SCBA Equipment for the Fairhope Volunteer Fire Department. The cost will be approximately \$23,988.00.

[2] Section 41-16-51-(13) states that contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible to award by competitive bidding.

[3] Sunbelt Fire, Inc. is the only authorized MSA SCBA Distributor for the State of Alabama.

Adopted on this 25th day of April, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Stankoski moved for final adoption of 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. Council President Mixon stepped down from the Chair and seconded the motion.

Councilmember Ford stated he had spoken with persons who complained the most about amplification and the boom box affect. If that is the problem then turn down the volume. If it is the bass then turn down the bass. Everyone has rights in this case. Councilmember Ford said he is willing to keep it the same and try to compromise.

City Attorney Wynne stated they could go forward or go back to the drawing board and could table the vote.

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Councilmember Stankoski said “no I do not have a personal agenda and represent the citizens of Fairhope. I was offended by the accusation that I only represented a small group. I have been to Fly Creek.” He said the 17 people against the noise ordinance do not live there and leave to go home to sleep. He stated receiving numerous calls and e-mails from other people and not the ones complaining. He read several of the e-mails to the City Council. He said I am not anti-business and this is not a knee jerk reaction. He said his campaign was to preserve and to protect; and will vote to lower the noise level.

Councilmember Quinn said six years ago you could not find any night life. She said the proposed number was picked out of the air which is not based on Fairhope. It is not based on anything happening in our community. She proposed a noise assessment from an engineering firm, so the City would have something tangible; something scientific. She said Foley doesn't have what we have. Daphne doesn't have what we have.

Councilmember Quinn moved to hold over the ordinance for another two weeks. The motion was seconded by Councilmember Ford but wanted it longer than two weeks.

Councilmember Quinn moved to table the ordinance. The motion to table was seconded by Councilmember Ford. Councilmember Kingrea stated we have been working on this ordinance for two years. We need to either vote for this amendment or vote it down. We need to stop putting off again and again. We need to vote on the amendment tonight; if we vote it in great. Councilmember Ford stated we need to try and make peace one more time. Councilmember Stankoski said we passed an ordinance previously that was not quantitative, so we went with the scientific thing with using decibels.

Councilmember Quinn withdrew her motion to table. Then, Councilmember Ford moved to table the ordinance. No one seconded the motion to table.

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

Councilmember Quinn introduced in writing Ordinance No. 1448, an ordinance annexing the property of Silas L. Peters and Tracy W. Peters located at 7237 Charbon Drive, Fairhope, Alabama. 46-03-07-0-000-025.000. 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.

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Councilmember Quinn then moved for final adoption of Ordinance No. 1448. Seconded by Councilmember Stankoski, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

Councilmember Quinn introduced in writing an Ordinance establishing the City of Fairhope Historic Districts and Landmark Commission. Since there was no motion for immediate consideration, this ordinance will layover until the May 9, 2011 City Council meeting.


Councilmember Stankoski moved to deny the Franchise Agreement with the City of Fairhope and Wild Native, Inc. No one seconded the motion to deny.

Councilmember Quinn moved to approve the Franchise Agreement between the City of Fairhope and Wild Native, Inc. for use of the Fairhope beach and pier for rental/tours with canoes, kayaks, pedal boats, as well as placement of a kiosk. Seconded by Councilmember Ford, motion passed by the following voice votes: AYE – Quinn, Ford, and Kingrea. NAY – Mixon and Stankoski.

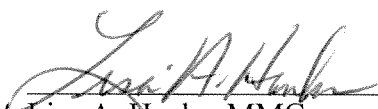
At the request of the City Attorney, Marion E. Wynne, the City Council will rise from the meeting to go into Executive Session based on Section 36-25A-7(a)(3) to discuss pending litigation. The approximate time to be in Executive Session is 20 minutes. Councilmember Kingrea moved to go into Executive Session. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Exited the dais at 7:39 p.m. Returned at 7:57 p.m.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:58 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, MMC
City Clerk