

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, 28 February 2011.

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

There being a quorum present, Council President Mixon called the meeting to order. The invocation was given by Reverend William Parsons, Pastor of Redeemer Lutheran Church, and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 14 February 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 14 February 2011, public participation meeting. Council President Mixon then stated if there are no other corrections, the minutes stand approved as corrected. Council President Mixon asked if there were any corrections to the minutes from the 18 February 2011, special called meeting. Council President Mixon then stated if there are no other corrections, the minutes stand approved as corrected.

Councilmember Kingrea moved to address the following items **not** on the printed agenda: motion to recommend to Council to reject all Custodial Bids; motion to approve the grant application for a National Estuary Program Grant; resolution authorizing Mayor Timothy M. Kant to execute a Tax Revenue Enhancement Agreement between PRA Government Services, LLC d/b/a RDS and the City of Fairhope for Business License Discovery/Recovery subject to legal review; and motion to go into Executive Session to discuss pending litigation. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Stankoski moved to reject all bids for Custodial services. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Quinn moved to approve the grant application for a National Estuary Program Grant. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

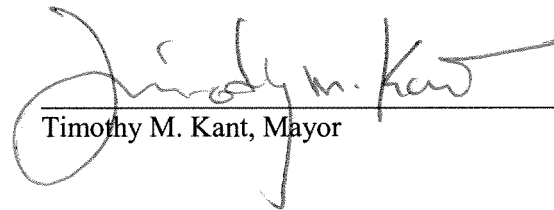
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Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a Tax Revenue Enhancement Agreement between PRA Government Services, LLC d/b/a RDS and the City of Fairhope for Business License Discovery/Recovery subject to legal review. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

RESOLUTION NO. 1751-11

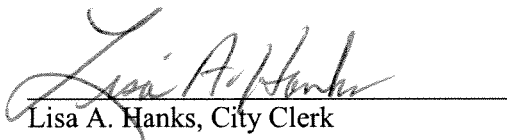
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute a Tax Revenue Enhancement Agreement between PRA Government Services, LLC d/b/a RDS and the City of Fairhope for Business License Discovery/Recovery subject to legal review.

DULY ADOPTED THIS 28TH DAY OF FEBRUARY, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Kingrea addressed the City Council regarding the following issues:

- 1) Organizations who want money or in-kind services from the City of Fairhope need to get their requests in by the June 1, 2011 deadline to allow the City to look at these requests during the budget process.
- 2) Parking issue was questioned and Gregg Mims stated Mayor Kant was working on this problem.

Councilmember Quinn addressed the City Council regarding the following issues:

- 1) Joe Thomas, former Spanish Fort Councilmember, passed away; keep his family in your thoughts.
- 2) Friday is "Walk your Child to School Day" and begins at 7:30 a.m.
- 3) K-1 Center was mentioned and the need for a group of people, a diverse group, to talk with the Baldwin County School Board. She asked all who were behind the K-1 Center to stand.

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Councilmember Stankoski addressed the City Council regarding the Fairhope Public Library and stated last year 198,000 individuals used our library. The following document was requested to be part of the minutes:



Councilmember Ford addressed the City Council regarding the street sweeper and stated this item should be put on the fast track. This is a matter of helping with drainage.

City Administrator Gregg Mims addressed the City Council regarding the following issues:

- 1) New lift truck is parked outside for everyone to view; part is run off a battery and not fuel.
- 2) Mardi Gras have had issues and need for people to stay behind the barricades. We need more barricades on Church Street. He thanked the Department Heads for helping.
- 3) Scott Sligh will give a report for the Electric Department.

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Council President Mixon mentioned Mr. Sligh was on a Special Council appointed by the Governor and will first give a brief update. He also stated that the Council can only act as a whole while in session and should go through the City Administrator if requesting something from Department Heads.

Scott Sligh, Electric Superintendent, addressed the City Council regarding a nationwide campaign. Mr. Sligh said he was speaking as a citizen and requested everyone to "Spread the Word to End the Word." The word he was referring to was "Retarded." Wednesday, March 2, 2011, is the day that this nationwide campaign will be held. Mr. Sligh explained that he had a son with downs syndrome and another child with cerebral palsy. Using the word "retard" is a form of bullying. We like to say they are people with intellectual disability. They are the most tender-hearted individuals. Mr. Sligh challenged everyone to educate and "Spread the Word to End the Word." He asked everyone to be brave and support this cause.

Scott Sligh gave an update on the Electric Department. The LED light project is complete which will save over \$150,000 over the life of these lights. We replaced lights at 32 intersections. This project was funded through a grant and the final report is the last thing that needs to be completed. We have had 5.7 million in capital upgrades for the Electric Department: breakers for substations, \$600,000 in vehicles, 2010 new study for economic projects, SCADA System which is part of our 5-year plan, breakers at Nichols Street, approximately \$11,000 in new relays, overloaded transmission line replaced, and the Fairhope Avenue substation increased.

The following members of the Girl Scouts of Southern Alabama "GSSA" Troop 8442 addressed the City Council regarding their crosswalk audit: Courtney Andrews, Meghan Boyer, Katie Brayer, Jacqueline Davidson, Sandi Grice, Sarah Hale, Leilani Payne, Celeste Rivenbark, Hannah Singleton, Kate Street, Annie Yonge, Genna Yonge. These girls collected over 300 signatures so far in support of these safety measures and pledging to yield to pedestrians at the crosswalks. They worked with Councilmember Quinn and Captain Petties of the Fairhope Police Department regarding this project.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council supports GSSA Troop 8442 with the new safety measures regarding the placement of yield signs in City crosswalks and safety of pedestrians in City crosswalks. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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RESOLUTION NO. 1752-11

WHEREAS, the City of Fairhope was the first municipality in south Alabama to adopt a Complete Streets policy, promoting safe access to streets for all users; and

WHEREAS, the City of Fairhope provides crosswalks for pedestrian safety; and

WHEREAS, the Girl Scouts of Southern Alabama "GSSA" Troop 8442, has brought to the attention of this Council its plan to make crossing the streets in Fairhope, Alabama safer by placing driver yield signs in Fairhope crosswalks; and

WHEREAS, members of GSSA Troop 8442 have recognized that drivers don't always obey the law by yielding to pedestrians in crosswalks and took on the project in partnership with the nonprofit organization Smart Coast, for their Girl Scout Silver Award; and

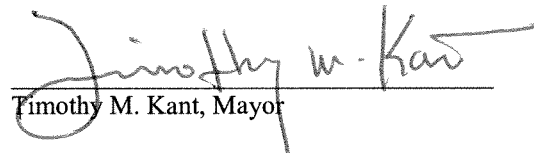
WHEREAS, GSSA Troop 8442 performed crosswalk audits, observing and identifying the most dangerous places to cross the street in Fairhope; and

WHEREAS, GSSA Troop 8442 is requesting the City of Fairhope to become the first municipality in South Alabama to place yield to pedestrian signs in City crosswalks; and

WHEREAS, GSSA Troup 8442, in addition, has developed a public relations campaign, called Step by Step, urging drivers to take a pledge to yield to pedestrians in City crosswalks; and

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council of the City of Fairhope supports the new safety measures to place yield signs in City crosswalks based upon the GSSA Troop 8442's audit and encourages drivers to take the pledge to yield to pedestrians in City crosswalks.

DULY ADOPTED THIS 28TH DAY OF FEBRUARY, 2011


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, City Clerk

Councilmember Stankoski moved to approve the Golf Grounds Supervisor position for Quail Creek Golf Course. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Ford moved to reappoint Rod Platt, Chuck Zunk, and Pam Caudill on the Fairhope Airport Authority for a six year term. The term will expire in June 2017. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution establishing the procedures for the Public Participation for Non-Agenda Items and/or Work Session. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1753-11

WHEREAS, the City of Fairhope adopted on the 24th day of January, 2011, Resolution No. 1739-11; and

WHEREAS, the City Council desires to amend Resolution No. 1739-11 by adding to paragraph two with the following:

A "Public Participation" meeting shall occur at 5:00 p.m. prior to the first City Council meeting of each month and a "Work Session" will immediately follow. If no one signs up for "Public Participation," a "Work Session will begin at 5:00 p.m.

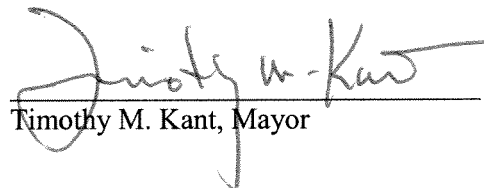
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the following procedure is hereby established for Public Participation for Non-Agenda Issues and/or Work Session:

A "Public Participation" meeting shall occur at 5:00 p.m. prior to the first City Council meeting of each month and a "Work Session" will immediately follow. If no one signs up for "Public Participation," a "Work Session will begin at 5:00 p.m.

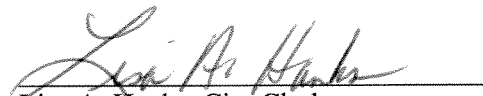
Each participant would get four (4) minutes to address his/her issue, then the appropriate City Official (Councilmember, Mayor, Department Head) would have four (4) minutes to respond. After the Official's response, the participant would have one (1) minute to rebut followed by the Official's minute to respond to the rebuttal. The chair of the meeting (the Council President) could waive the time limits, if he/she deemed that necessary.

Each participant who wants to address an issue during "Public Participation" must sign in with the City Clerk by noon of the day of the meeting; and state the issue he/she wishes to speak about. The City Clerk can be notified via e-mail, fax, and letter or by signing in at the City Clerk's office.

Adopted on this 28th day of February, 2011


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, City Clerk

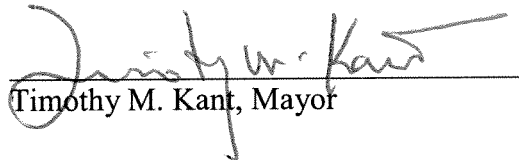
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Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an Agreement with Harbor Communications for use of City's fiber-optic cable subject to legal review. The motion was seconded by Councilmember Ford. Jason Colee, IT Director, explained briefly the contract with Harbor Communications and stated that Kevin Polk and Chuck Niemeyer from Harbor were here tonight. After further discussion, motion passed unanimously by voice vote.

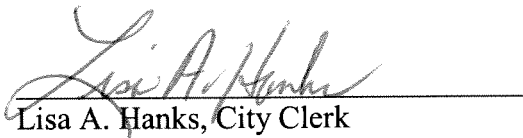
RESOLUTION NO. 1754-11

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute a License Agreement between the City of Fairhope and Harbor Communications for use of the City's Fiber-Optic lines.

DULY ADOPTED THIS 28TH DAY OF FEBRUARY, 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 authorizing Mayor Timothy M. Kant to execute a Contract between the City of Fairhope and Jitterbug Theatre Productions for the use of City facilities and resources. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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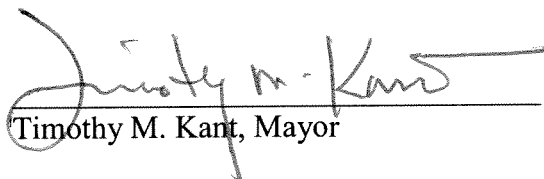
RESOLUTION NO. 1755-11

WHEREAS, Jitterbug Theatre Productions serves a public purpose and the exposure to the performing arts and acknowledgment of the U. S. Department of Education's position that high-quality programs effectively integrating and enhancing arts instruction are increasingly important as students face the demands of the information age in the 21st century that the Jitterbug Theatre Productions gives the City of Fairhope is a public service; and,


WHEREAS, We, Jitterbug Theatre Productions, agree to work with the Mayor, and /or his agent(s), to promote the City of Fairhope and to expose all area school-age children the performing arts through our productions, sponsorship of students from Title One schools to experience theatre arts, and provide teachers with educational packets that reinforce the educational aspects of the production. Jitterbug Theatre Productions loans its scenery, props, and costumes, and free of charge to area schools and churches; 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 Jitterbug Theatre Productions for use of the City facilities depending on availability and permission from the Rental Facilities Manager; and resources including personnel, but not hourly charges, incidental charges, and security after normal business hours.

ADOPTED this 28th day of February, 2011


 Timothy M. Kant, Mayor

ATTEST:


 Lisa A. Hanks, City Clerk

Councilmember Kingrea moved for final adoption of Ordinance No. 1444, an Ordinance establishing the City of Fairhope's Tree Ordinance which Replaces and Repeals Ordinance No. 1193, Ordinance No. 1223, and Ordinance No. 1351. (Introduced at the January 24, 2011 City Council Meeting) Seconded by Councilmember Ford, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

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Councilmember Quinn moved for final adoption of Ordinance No. 1445, an Ordinance amending Ordinance No. 1371 and Ordinance No. 1437 known as the City Council Rules of Procedure; Amending Section VIII regarding Public Participation. (Introduced at the February 14, 2011 City Council Meeting) The motion was seconded by Councilmember Stankoski. Councilmember Quinn mentioned people should have the right to speak at these meetings. After further discussion, motion for final adoption passed by the following votes: AYE - Quinn, Stankoski, and Ford. NAY – Mixon and Kingrea.

Councilmember Stankoski introduced in writing an Ordinance to Restrict the Use of Wireless Communication Devices while driving with the deletion of Section 2. Councilmember Quinn moved to amend the ordinance by removing “that are permanently affixed to vehicles” from Section C. Exceptions (e). The motion was seconded by Councilmember Ford. Councilmember Kingrea stated since there have been numerous changes this ordinance should layover until the next meeting. After further discussion, motion for immediate consideration failed due to no voice vote roll call. This ordinance will layover until the next meeting. Councilmember Quinn said that signage is very important and would hate to lose that part of the educational prospect of this ordinance.

Councilmember Stankoski moved to grant the request of Christopher Baker requesting permission for the Fairhope Rotary Club to serve alcohol May 13, 2011 for “The Steak Cook Off,” within the barricaded areas, on De La Mare Avenue and Church Street, and to close the streets. Seconded by Councilmember Kingrea, motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – None. ABSTAIN – Ford.

At the request of the City Attorney, Marion E. Wynne, the City Council will rise from the meeting to go into Executive Session to discuss pending litigation. The approximate time to be in Executive Session is 15 minutes. Councilmember Kingrea moved to go into Executive Session. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Exited the dais at 6:54 p.m. Returned at 7:15 p.m.

Councilmember Kingrea moved to authorize City Attorney Marion E. Wynne to hire Sam Irby as an expert witness and cap fee at \$3,000. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

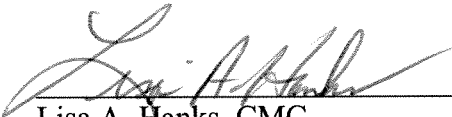
Councilmember Kingrea moved to not request a continuance at the March 14, 2011 hearing. Seconded by Councilmember Stankoski, motion passed by the following voice votes: AYE – Stankoski, Mixon, Ford, and Kingrea. NAY – None. ABSTAIN – Quinn.

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There being no further business to come before the City Council, the meeting was duly adjourned at 7:16 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, CMC
City Clerk