

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, 22 February 2010.

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 8 February 2010, regular meeting. He then stated if there are no corrections, the minutes stand approved as written.

Council President Mixon announced that they needed to amend the agenda by adding on the following item: Rescind the Volunteer Service Application for Appointment recently passed and to approve the new Application for Appointment to a City Board or Committee.

Councilmember Stankoski moved to add the above mentioned item **not** on the printed agenda. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Kingrea stated he wanted to add on a Formal Request on behalf of the City Council for all records of the Recreation Center Improvements due to reports of a leaky roof, high humidity, sauna problems, and a number of various problems. The Council is requesting everything from bid requests, bids, formal sign-offs, contracts, subcontracts, invoices, bills of laden, any bills we have paid to correspondence for all departments; including the Planning Department, Inspections, Treasury, City Clerk's office, and the Mayor's office regarding that particular construction project.

Councilmember Kingrea moved to add the above mentioned item **not** on the printed agenda. Seconded by Councilmember Quinn, motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – None. ABSTAIN – Ford.

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Councilmember Ford moved to approve the appointment and promotion of Tom Kuhl as the Parks & Recreation Director. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Fire Chief John Saraceno and Dale Kelly addressed the City Council and introduced the Fire Department Explorers. Mr. Kelly explained that this is part of the Boy Scouts and the Explorers volunteer time for the community. Council President Mixon stated on behalf of this Council we appreciate this program.

Councilmember Quinn moved to pass Item Number 5, the Franchise Agreement Addendum, until the next City Council meeting scheduled for March 8, 2010. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote. Council President Mixon stated he would like to pass this by the FAC to look at and give their recommendation to the City Council.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution stating that these elected officials acting as a body of governance for the citizens of the City of Fairhope support the protection and re-authorization of the Forever Wild Program under Constitutional Amendment 543, thereby extending the Forever Wild Program's funding through legislative act, as presently provided under Constitutional Amendment 543, to support the purchase of additional conservation lands within Alabama. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

#### **RESOLUTION NO. 1616-10**

WHEREAS, in the past 17 years of its existence, the Forever Wild Program has been managed by a diverse Board of Trustees that represents the broad interests of Alabama's citizens; and

WHEREAS, through the assistance of the Alabama Department of Conservation and Natural Resources (ADCNR), the program has received outstanding fiscal stewardship, and has served as a model for effective government administration; and

WHEREAS, these state lands provide an enhancement to the quality of life for the citizens of the City of Fairhope, as recreational lands and habitat for Alabama's natural heritage of plants and animals; and

WHEREAS, these Forever Wild lands maintain open space that provides for clean air and water necessary for a healthy environment; and

WHEREAS, the funds supporting land acquisition by the Forever Wild Program are derived from the sale of Alabama's natural gas resources, thereby re-investing one natural resource into another, all without an increase in taxes; and

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WHEREAS, these lands support the state's tourism industry, and serve as an asset of the State of Alabama benefiting our collective economies; and

WHEREAS, the State of Alabama acting through the Forever Wild Program and the Alabama Department of Conservation and Natural Resources has secured over 79,000 acres of land in select areas of the two coastal counties, specifically in the Mobile-Tensaw Delta, the Grand Bay Savannah, Dauphin Island, Mobile Bay, the Escatawpa River, the Perdido River, the Splinter Hill Bog, Blakeley State Park, the Weeks Bay Reserve, and Lillian Swamp, all of which lie within close proximity to the citizens of Baldwin County; and

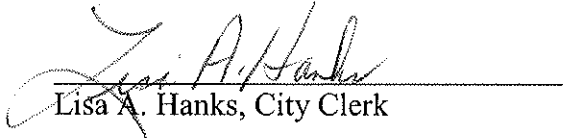
**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that these elected officials acting as a body of governance for the citizens of the City of Fairhope support the protection and re-authorization of the Forever Wild Program under Constitutional Amendment 543, thereby extending the Forever Wild Program's funding through legislative act, as presently provided under Constitutional Amendment 543, to support the purchase of additional conservation lands within Alabama.

DULY ADOPTED THIS 22ND DAY OF FEBRUARY, 2010



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, City Clerk

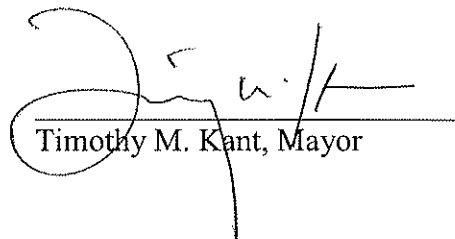
Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution stating that the City of Fairhope hereby places a hiring freeze for all departments until the next fiscal year, which begins on October 1, 2010; and any City job vacancy to be filled permanently must first be approved by the City Council. Seconded by Councilmember Stankoski, motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – Ford.

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**RESOLUTION NO. 1617-10**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City of Fairhope hereby places a hiring freeze for all departments until the next fiscal year, which begins on October 1, 2010; and any City job vacancy to be filled permanently must first be approved by the City Council.

Adopted on this 22nd day of February, 2010

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

Attest:

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

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing a settlement agreement with Baldwin County Electric Membership Corporation by the City of Fairhope, Alabama. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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**RESOLUTION NO. 1618-10**

**A RESOLUTION AUTHORIZING A SETTLEMENT AGREEMENT  
WITH BALDWIN COUNTY ELECTRIC MEMBERSHIP CORPORATION  
BY THE CITY OF FAIRHOPE, ALABAMA**

**WHEREAS**, Baldwin County Electric Membership Corporation (“Baldwin EMC”) initiated civil litigation against the City of Fairhope, Alabama (the “City”) for alleged violations of the 1985 Act pertaining to service territories for electric suppliers, Code of Alabama, §§ 37-14-30 *et seq.* (the “Act”) in the Circuit Court of Baldwin County, Alabama, CV-2008-900057 (the “Litigation”);

**WHEREAS**, the City of Fairhope, Alabama (the “City”) has negotiated with Baldwin County Electric Membership Corporation (“Baldwin EMC”) regarding a settlement of the Litigation;

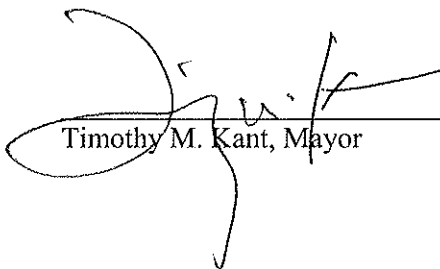
**WHEREAS**, the City desires to enter in to a settlement with Baldwin EMC, and Baldwin EMC desires to enter in to a settlement with the City, all according to the terms and conditions of that certain Settlement Agreement, the form of which is attached hereto as Exhibit “1” and by reference made a part hereof (the “Settlement Agreement”); and

**WHEREAS**, the governing board of Baldwin EMC has already approved settlement of the Litigation on the terms set forth in the Settlement Agreement.

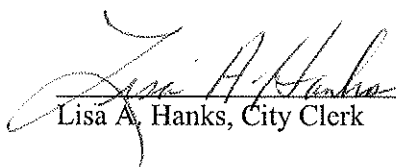
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City that the Settlement Agreement is hereby approved and that the Mayor and the City Clerk of the City are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City, the Settlement Agreement.

This resolution was adopted at a regular meeting of the City Council of the City of Fairhope on February 22, 2010.

**ADOPTED:**

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

Attest:

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

**EXHIBIT “1”**

A Copy of the Settlement Agreement is on file in the City Clerk’s office.

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Councilmember Ford introduced in writing Ordinance No. 1409, an Ordinance declaring certain real property no longer needed for Municipal purposes and authorizing the sale of the same to Baldwin County Electric Membership Corporation. In order to take immediate action, Councilmember Stankoski moved for immediate consideration. Seconded by Councilmember Quinn, 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. 1409. Seconded by Councilmember Kingrea, 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 amending Ordinance No. 1303 an ordinance to amend Chapter 12, Article II, Sewage Disposal, Division I. Generally, Section 12-42: Definitions. Since there was no motion for immediate consideration this will lay over until the March 8, 2010 City Council meeting.

Councilmember Stankoski introduced in writing an Ordinance amending Ordinance No. 715 and Ordinance No. 1383, an ordinance to amend and add to Chapter 21, Article IV, Sewers, Sections 21-52 and 21-54. Since there was no motion for immediate consideration this will lay over until the March 8, 2010 City Council meeting.

Councilmember Kingrea introduced in writing an Ordinance amending Ordinance No. 1315 of the City of Fairhope, Alabama be amended by revision of Section 21-21 by the adoption of electric rates for all electric customers of the City. Since there was no motion for immediate consideration this will lay over until the March 8, 2010 City Council meeting.

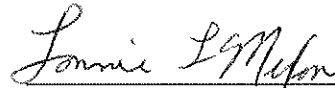
Willie Williams, 17420 Confederate Rest Road, addressed the City Council and discussed the Young Street Recreation Center. He announced a Community Meeting for South Fairhope on March 11, 2010 at 6:30 p.m. at the Good Samaritan Church.

Councilmember Kingrea moved for the City Administrator to provide all records of the Recreation Center Construction to Council President Mixon by March 8, 2010. The Council is requesting everything from bid requests, bids, formal sign-offs, contracts, subcontracts, invoices, bills of laden, any bills we have paid to correspondence for all departments; including the Planning Department, Inspections, Treasury, City Clerk's office, and the Mayor's office regarding that particular construction project. Seconded by Councilmember Stankoski, motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – None. ABSTAIN – Ford.

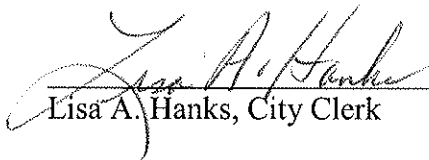
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Councilmember Quinn moved to rescind the Volunteer Service Application for Appointment recently passed and to approve the new Application for Appointment to a City Board or Committee. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:26 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, City Clerk