

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 November 2010.

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 Dr. Jerry Henry, pastor 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 8 November 2010, regular meeting. Councilmember Quinn mentioned two changes: On the second page item number 1) the last sentence should read “She asked about the e-mail address being used and Council President Mixon didn’t have the address.” And item number 3) the last sentence should read “We can use the figures for future building of sidewalks on four-lane 98.” Councilmember Quinn moved to amend the minutes from the 8 November 2010, regular meeting with the above changes. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote. Council President Mixon then stated if there are no other corrections, the minutes stand approved as amended.

Councilmember Kingrea addressed the City Council regarding “Where Do We Stand” with the following issues:

- 1) Quail Creek Entrance – He noticed that the bricks had been removed and thanked the City employees for doing this.
- 2) Organizational Chart – City Administrator Gregg Mims stated that the Personnel Board is working on it and should be presented at the work session in January.
- 3) Nichols Street – The hearing has been postponed until March. Councilmember Kingrea asked that the City take a hard nose position and not voluntarily reschedule. City Attorney Wynne agreed to not postpone and further hearing dates.
- 4) Bluff sidewalks – He asked for Mayor Kant to explain his statement regarding the bluff sidewalks. Mayor Kant replied that he would not authorize any sidewalks on the bluff unless the City Council wants to put the sidewalks in.

Councilmember Stankoski addressed the City Council regarding the following issues:

- 1) Quail Creek Property Owner’s Association has asked for a status of the sidewalks from the clubhouse around the curb. Mayor Kant replied that we do have a list for sidewalks and will have to see after the first of the year if monies are available for sidewalks.

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2) Skateboard Park and Grant and why \$71,000 of grant funds was disallowed and looking for transparency as to what happened. Mayor Kant replied since this was staff; he took full responsibility of what happened. He stated back in June of 2008, we made some changes and were not aware of some of the Federal requirements. We actually spent \$48,000 of City monies, but if we had received the grant would have only spent \$12,000 of City monies. Working with Councilmember Quinn, we had the grant extended until June of next year and plan on working to resolve this issue.

Councilmember Quinn addressed the City Council regarding the following issues:

1) Boothe Bishop Road extension – City Administrator Mims reported that this project was put on hold.

2) Meeting with the Fairhope Single Tax Corporation next week and will discuss the sidewalks on Volanta from Section Street to Highway 98; and the sidewalks on North Bayview.

Mayor Kant addressed the City Council and mentioned the Thanksgiving Holidays; and said the Fairhope Volunteer Fire Department did an excellent job on the fire in downtown Fairhope. The City of Daphne, Barnwell, and Summerdale Fire Departments helped with this fire. The Tree Lighting Event was to promote tourism and was a success. Mayor Kant also announced that the City of Fairhope's Water Department received an award. Dan McCrory, Water and Sewer Superintendent, stated that the Water Department for the fourth year has been recognized with the Water Fluoridation Quality Award from the Center for Disease Control.

Council President Mixon announced that they needed to amend the agenda by adding on the following item: a resolution authorizing Mayor Timothy M. Kant to execute a Bid Evaluation Period Extension for Landscaping Services.

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

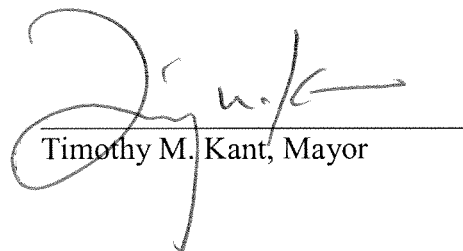
Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a Bid Evaluation Period Extension for Landscaping Services, Bid No. 023-10 with the City of Fairhope and Jubilee Landscaping, Inc. commencing November 29, 2010 and ending December 29, 2010. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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RESOLUTION NO. 1716-10

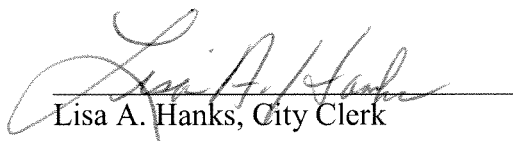
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute a Bid Evaluation Period Extension for Landscaping Services, Bid No. 023-10, with the City of Fairhope and Jubilee Landscaping, Inc. commencing November 29, 2010 and ending December 29, 2010.

DULY ADOPTED THIS 22ND DAY OF NOVEMBER, 2010



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, City Clerk

Councilmember Quinn addressed the City Council and commented on the transition that has been made in the past two years of this council. The first year we struggled with the Strong Council/Weak Mayor transition. The second year we struggled over finances and getting the budget in a better array. We all need to pull together and work hard for the City. She hopes this Council and Mayor can learn to be a kinder group can pull together and work together for the good of everybody.

Councilmember Rick Kingrea stated that the Fire Department did a fantastic job with the downtown fire and wanted to reiterate what Mayor Kant stated regarding the Fire Department. He will propose a resolution for all draft ordinances be placed on the City website and copies will be available at the City Clerk's office for review and/or copies. Councilmember Quinn asked for the proposed ordinances not to be introduced until these are discussed at a work session. She also requested the Noise Ordinance to be held over.

City Administrator Gregg Mims addressed the City Council and mentioned the following items:

- 1) Fire Truck bid has been opened and should be on the next City Council agenda.
- 2) Grass Mowing bid also should be on the next agenda.
- 3) RFQ for the Engineering Services for the Water and Sewer Plant was opened last week and this item should also be on the next agenda.

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Public Participation:

1) Mark Polon, 464 Equality Avenue, addressed the City Council regarding the Noise Ordinance and said there were two sections regarding live music and enforcement he would discuss. Continuous noise is a concern and does it mean continuously above the decibel level. Thirty second interval is not clear; and how many times would it peak above the decibel level. He suggested the Council use the ordinance from Destin or Orange Beach instead of Mobile.

2) Jim Horner, 117 Volanta Avenue, addressed the City Council regarding the Noise Ordinance and said his main concern was the Special Events and Holidays issue. No entity should be given carte blanche permission to turn on their amplified music as loud as they as long as they want. The maximum levels should be enforced at all times without exception. He asked them to explore the language in the ordinance and make it clearer.

3) Doug Kennedy, 121 Volanta Avenue, addressed the City Council regarding the Noise Ordinance. Our specific complaint is against the loud amplified music heard inside our house. This music is three to four hours up to two to three nights per week. The ordinance is not being enforced. 85 decibels is too high and no exceptions should be allowed for Special Events.

4) Paulette Fedor, 104 Cliff Drive, addressed the City Council regarding the Noise Ordinance. She agreed to put the proposed ordinance on the website and suggested to have more hearings on the ordinance. She stated we should reduce the decibels to 65 and only have the loud music allowed on Friday and Saturday. We should put restrictions from Sunday through Thursday. Planning and Zoning should be looked at because we butted up business districts with residential districts. We should reduce the 25 feet to only 15 feet from the property line. Special events need to be looked into too. We have nationally advertised the City as a charming quiet Southern town and depending how we approach this ordinance, we could change the whole ambiance of the City.

Councilmember Ford moved to appoint Robert Keyser to fill the vacancy of Hank Mullins and complete the five-year term which expires in May 2014. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the sponsorship of an Alabama Department of Transportation "2011 Safe Routes to School Program." Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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RESOLUTION NO. 1717-10

**AUTHORIZING THE SPONSORSHIP OF AN ALABAMA DEPARTMENT OF
TRANSPORTATION "2011 SAFE ROUTES TO SCHOOL PROGRAM"
APPLICATION FOR CONSTRUCTION OF SIDEWALKS IN THE
CITY OF FAIRHOPE, BALDWIN COUNTY, ALABAMA**

WHEREAS, there is a need for the construction of new sidewalks near the Fairhope Elementary School located at 408 North Section Street to aid children in walking and biking to school; and

WHEREAS, there is grant funding available for said activity through the FY 2011 Safe Routes to Schools Program administered through the Alabama Department of Transportation (ALDOT); and

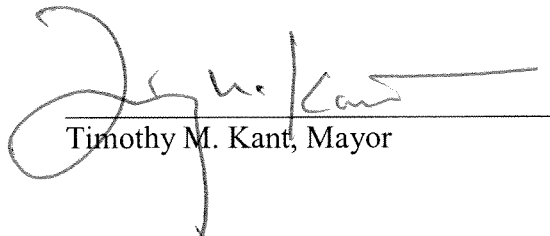
WHEREAS, if funded, the grant will pay 100% of the construction costs for the new sidewalks and BES, Inc. of Fairhope has prepared preliminary plans and a cost estimate for the project at no charge; and

WHEREAS, the proposed scope of work will include the construction of 4,610 linear feet of new sidewalk along Jan Drive, Patlynn Drive, Fairwood Boulevard, and Bayou Drive, including crosswalks and the estimated cost is \$145,851.00; and

WHEREAS, the City's Public Works Department will provide oversight of the project, if funded; and

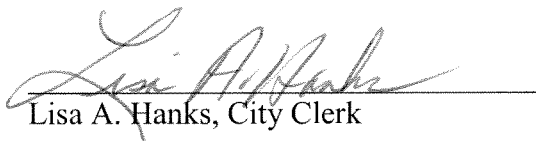
THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, IN REGULAR SESSION ASSEMBLED, that by this Resolution the City of Fairhope authorizes submission of a FY 2011 Safe Routes to Schools Program Grant Application to ALDOT requesting funds \$145,851.00 in grant funds to construct new sidewalks within the limits of the City of Fairhope.

DULY ADOPTED THIS 22ND DAY OF NOVEMBER, 2010



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 requesting a "Hold Over" for the Manley Road Property Lease from April 1, 2011 until November 30, 2011. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1718-10

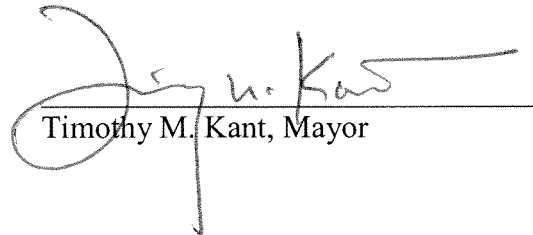
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That the City of Fairhope did request, receive, and open bids on February 23, 2010 to Lease Manley Road Property for (Bid Number 006-10) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

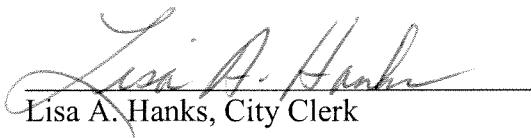
[2] That the City of Fairhope did execute a lease on March 29, 2010, with Fairhope Dairy. To fit crop growing and harvesting cycles, the Lessee now requests a "Hold Over" to the lease from April 1, 2011 until November 30, 2011. At that time, the lease will be concluded.

[3] Fairhope Dairy will pay the City of Fairhope at the beginning of the "Hold Over" a sum of \$1,534.00 for the "Hold Over" extension.

Adopted and Approves on this 22nd day of November, 2010


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, City Clerk

Councilmember Kingrea moved for final adoption of an Ordinance establishing the City of Fairhope's Noise Ordinance which replaces and repeals Ordinance No. 554, Ordinance No. 1100, Ordinance No. 1401, and Ordinance No. 1424. (Introduced at the November 8, 2010 City Council Meeting) The motion was seconded by Councilmember Stankoski. Councilmember Quinn said there were a few issues that needed to be tweaked and would like to see it wait for two weeks.

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City Attorney Wynne stated there was a motion on the floor, but it could be held over for two weeks. If there are no objections, Council President Mixon stated this ordinance will be held over until the December 13, 2010 City Council meeting.

Council President Mixon announced that Item #11 has been pulled for further review.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:35 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, CMC
City Clerk