

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, 23 August, 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.

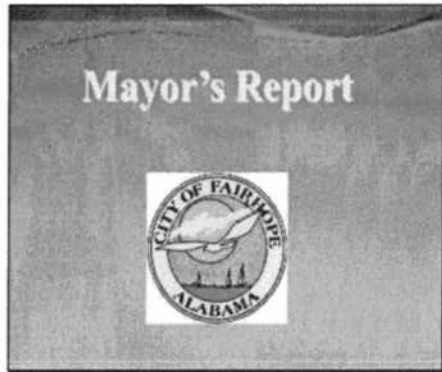
There being a quorum present, Council President Mixon called the meeting to order. The invocation was given by Councilmember Mike Ford and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 9 August 2010, regular meeting. He then stated if there are no corrections, the minutes stand approved as written.

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

- 1) Nichols Street Deck – City Attorney Wynne stated the deck was pending and we are waiting on a Ruling.
- 2) Jubilee Lounge (19th Hole) – The business license revocation was questioned; Chief Press said he plead guilty. Gregg Mims replied we need to formally give notice and he would get with the City Clerk.
- 3) South Beach
- 4) Dogs at County Road 32 complaints; Chief Press said they were checking into this issue.
- 5) AMIC vs. COF was questioned; City Attorney Wynne stated that the City had until August 27th to respond and he was going to be meeting with the officials of AMIC in Montgomery. Caine O’Rear will be working on this case with City Attorney Wynne.

Mayor Kant addressed the City Council and presented the following Power Point Presentation:

23 August 2010



Slide 1

Revenue-Expense Summary for Ten (10) Months
As of July 31, 2010

Revenue	
City of Fairhope	1,000,000
State of Alabama	1,000,000
Federal Government	1,000,000
Local Government	1,000,000
Private Industry	1,000,000
Individuals	1,000,000
Other	1,000,000
Total Revenue	10,000,000
Expenses	
Personnel	1,000,000
Materials	1,000,000
Travel	1,000,000
Printing	1,000,000
Telephone	1,000,000
Utilities	1,000,000
Repairs & Maintenance	1,000,000
Depreciation	1,000,000
Interest	1,000,000
Other	1,000,000
Total Expenses	10,000,000

Slide 2

Total Cash

2010	
July 1st	1,000,000
July 31st	1,000,000
Total Cash	2,000,000
2009	
July 1st	1,000,000
July 31st	1,000,000
Total Cash	2,000,000

Slide 3

Earnings from Operations

Total Earnings from Operations	
Gas	2,819,200.00
Electric	1,919,855.00
Water Sewer	7,837,498.00
Total Earnings from Operations	11,576,553.00

Slide 4

Legal Fees
As of July 31, 2010

2010	
July 1st	1,000,000
July 31st	1,000,000
Total Legal Fees	2,000,000
2009	
July 1st	1,000,000
July 31st	1,000,000
Total Legal Fees	2,000,000

Slide 5

Mayor Kant also mentioned the resolution for the parking spaces in front of the Police Station and suggested the same for Pine Street. He stated that our Trash Department is doing an excellent job; and the City is here to provide services.

23 August 2010

Councilmember Quinn addressed the City Council and reported that there have been more accidents at the intersection of Highway 13 and Highway 104. She mentioned possibly sending a letter to the County regarding this issue. Chief Press responded that the first day Highway 13 opened he sent a letter requesting a traffic control light or larger signs. A second letter was also sent and fell on deaf ears. Councilmember Quinn said she would like this item to be on the next City Council agenda.

Councilmember Stankoski expressed his gratitude for all of the thoughts and prayers. He also mentioned that Thomas Hospital was a great facility.

Council President Mixon asked Mayor Kant the status and recommendation of the BP Funds. Mayor Kant replied that the Governor said to hold onto the funds. Wednesday we will be looking at projects for the County. We are putting together all of my time, staff's time, and any other expenses involved in the oil spill and will deduct from the BP Funds. Council President Mixon also asked Mayor Kant about any K-1 requests and have we made commitments to the facility. Mayor Kant responded that we would cut the grass and maybe help with labor if they would furnish the materials.

Mayor Kant presented representatives of The Haven a proclamation, proclaiming September 2010 as The Haven Volunteer Appreciation and Pet Photo Contest Month.

City Administrator Gregg Mims addressed the City Council and presented a proclamation, proclaiming September 2010 as National Alcohol and Drug Addiction Recovery Month.

Councilmember Quinn moved to grant the request of Jim Horner, Chairman of the Fairhope Environmental Advisory Board, requesting permission to go forward with "The Parks of Fairhope" brochure. Mr. Horner stated the brochure has been approved by various City personnel, the Recreation Board, and will hopefully be paid for by the Fairhope Single Tax Association. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Council President Mixon announced that Item #8 has been pulled until the next City Council meeting.

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution declaring 27,500 feet of used and decontaminated boom and 23,000 feet of new 8" absorbent boom as surplus and is no longer needed for public or municipal purposes; and authorizing the Mayor and Purchasing Manager to dispose of the boom by receiving bids. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

23 August 2010

RESOLUTION NO. 1681-10

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 is hereby declared surplus:

27,500 feet of Used and Decontaminated Boom
23,000 feet of New 8" Absorbent Boom

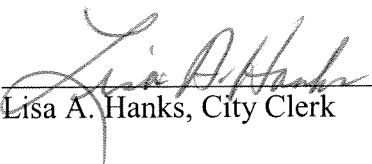
SECTION 2. That the Mayor and Purchasing Manager be, and they hereby are, authorized and directed to dispose of the personal property owned by the City of Fairhope, Alabama, described in Section 1, above, by receiving bids for such property. All such property shall be sold to the highest bidder, provided, however, that the 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 23RD DAY OF AUGUST, 2010



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, City Clerk

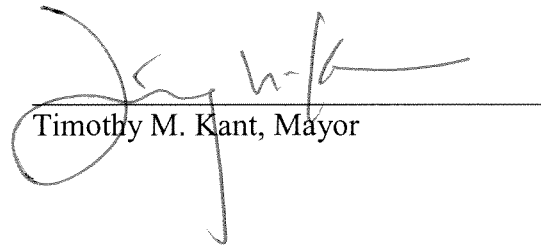
23 August 2010

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution approving the removal of 12 angle parking spaces in front of the Fairhope Police Department and change to parallel spaces. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 1682-10


BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby approves forthwith that the 12 angle parking spaces in front of the Fairhope Police Station be removed and changed to parallel parking spaces.

Adopted on this 23rd day of August, 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 Mayor Timothy M. Kant to execute Amendment No. 1 to the Water Tower Lease Agreement dated July 5, 2005, between the City of Fairhope and Verizon Wireless. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

*

*

23 August 2010

RESOLUTION NO. 1683-10

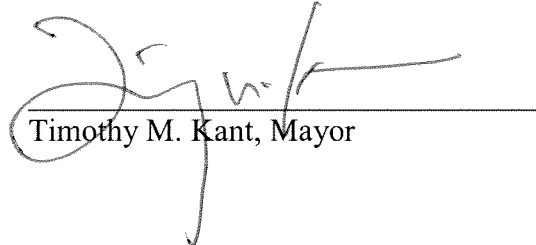
WHEREAS, this Amendment, dated August 23, 2010, is entered into by the City of Fairhope, Alabama, an Alabama Municipal Corporation, hereinafter referred to as "Lessor", and Verizon Wireless Personal Communications LP d/b/a Verizon Wireless, hereinafter referred to as "Lessee" and,

WHEREAS, the Lessor and Lessee entered into a "Water Tower Lease Agreement" dated July 5, 2005 and such Agreement remains in effect; and,

WHEREAS, the Lessor and Lessee desire to modify the Agreement in order to document Lessee's replacement of antennas and temporary operation of tower equipment; and,

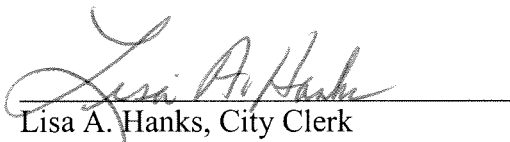
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor Timothy M. Kant is hereby authorized to execute Amendment No. 1 to the Water Tower Lease Agreement dated July 5, 2005, between the City of Fairhope and Verizon Wireless.

Adopted this 23rd Day of August, 2010



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 award bid for repairs of storm damage due to rainstorm on March 25, 2009 for South Mobile Street (FEMA Project). Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

23 August 2010

RESOLUTION NO. 1684-10

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

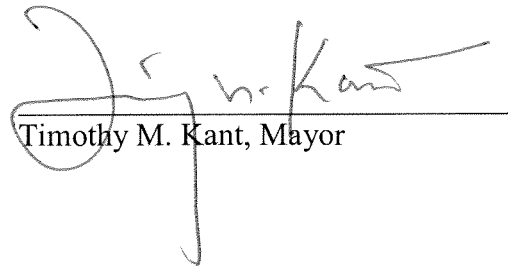
[1] That the City of Fairhope did request, receive, and open bids for Repairs of Storm Damage due to Rainstorm on March 25, 2009 for South Mobile Street (FEMA Project) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[2] At the appointed time and place, the following bids were opened and tabulated as follows:

Please see attached Bid Tabulation for Repairs of Storm Damage due to Rainstorm on March 25, 2009 for South Mobile Street (FEMA Project)

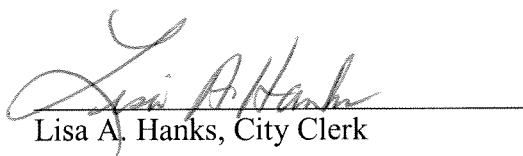
[3] After evaluating the bid proposals with the required bid specifications, S. C. Stagner Contracting, Inc., with the total bid proposal of \$21,235.25, is now awarded the bid for Repairs of Storm Damage due to Rainstorm on March 25, 2009 for South Mobile Street (FEMA Project).

Adopted on this 23rd day of August, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

23 August 2010

CITY OF FAIRHOPE
 BID TABULATION AND RECOMMENDATION
 BID NO.: 029-10
 BID NAME: FEMA REPAIR 3, Mobile St.
 BID OPENING: 8-16-2010
 Note: Bid Bond waived.

VENDOR	Non-Collusion Statement Signed / Notarized	Bid Proposal Executed / Signed / Notarized	Delivery lead time ARO	Addendum 1,2,3, Sign/Returned	QTY	Unit of Measure	Unit Price	Cost	TOTAL PROJECT COST
Alpine Asphalt	NO RESPONSE								NO RESPONSE
CONTRACTOR MOBILIZATION / DEMOB					1	LS			
TRAFFIC CONTROL (TWO LANES)					64	HR			
SITE PREPARATION					1	DAY			
UNCLASSIFIED P&M					354	CY			
MULCH NET					147	SY			
WOOD GUARDRAIL					60	LF			
Aspen Co.	NO RESPONSE								NO RESPONSE
CONTRACTOR MOBILIZATION / DEMOB					1	LS			
TRAFFIC CONTROL (TWO LANES)					64	HR			
SITE PREPARATION					1	DAY			
UNCLASSIFIED P&M					354	CY			
MULCH NET					147	SY			
WOOD GUARDRAIL					60	LF			
Best Coat Contracting, Inc.	NO RESPONSE								NO RESPONSE
CONTRACTOR MOBILIZATION / DEMOB					1	LS	\$ 1,160.00	\$ 1,160.00	
TRAFFIC CONTROL (TWO LANES)					64	HR	\$ 34.85	\$ 2,228.00	
SITE PREPARATION					1	DAY	\$ 1,725.00	\$ 1,725.00	
UNCLASSIFIED P&M					354	CY	\$ 17.25	\$ 6,108.90	
MULCH NET					147	SY	\$ 2.88	\$ 423.36	
WOOD GUARDRAIL					60	LF	\$ 194.85	\$ 11,691.00	
BSA, Inc.									\$ 22,744.86
Carlson Contracting, Inc.	NO RESPONSE								NO RESPONSE
CONTRACTOR MOBILIZATION / DEMOB					1	LS			
TRAFFIC CONTROL (TWO LANES)					64	HR			
SITE PREPARATION					1	DAY			
UNCLASSIFIED P&M					354	CY			
MULCH NET					147	SY			
WOOD GUARDRAIL					60	LF			
CSA, Inc.									see note 1
CONTRACTOR MOBILIZATION / DEMOB					1	LS	\$	\$ 0	
TRAFFIC CONTROL (TWO LANES)					64	HR	\$ 42.67	\$ 2,724.48	
SITE PREPARATION					1	DAY	\$ 1,834.27	\$ 1,834.27	
UNCLASSIFIED P&M					354	CY	\$ 11.85	\$ 4,195.7	
MULCH NET					147	SY	\$ 6.85	\$ 1,006.95	
WOOD GUARDRAIL					60	LF	\$	\$	
James Brothers Excavating, Inc.	NO RESPONSE								NO RESPONSE
CONTRACTOR MOBILIZATION / DEMOB					1	LS			
TRAFFIC CONTROL (TWO LANES)					64	HR			
SITE PREPARATION					1	DAY			
UNCLASSIFIED P&M					354	CY			
MULCH NET					147	SY			
WOOD GUARDRAIL					60	LF			
MJ's Custom Builders									\$ 25,395.00
CONTRACTOR MOBILIZATION / DEMOB					1	LS	\$ 1,200.00	\$ 1,200.00	
TRAFFIC CONTROL (TWO LANES)					64	HR	\$ 64	\$ 4,096.00	
SITE PREPARATION					1	DAY	\$ 1,200.00	\$ 1,200.00	
UNCLASSIFIED P&M					354	CY	\$ 22.2	\$ 7,858.8	
MULCH NET					147	SY	\$ 6.00	\$ 882.00	
WOOD GUARDRAIL					60	LF	\$	\$	
NOB Printing & Graphics, Inc.	NO RESPONSE								NO RESPONSE
CONTRACTOR MOBILIZATION / DEMOB					1	LS			
TRAFFIC CONTROL (TWO LANES)					64	HR			
SITE PREPARATION					1	DAY			
UNCLASSIFIED P&M					354	CY			
MULCH NET					147	SY			
WOOD GUARDRAIL					60	LF			
O.C. Blaney Contracting, Inc.									\$ 21,231.32
CONTRACTOR MOBILIZATION / DEMOB					1	LS	\$ 800.00	\$ 800.00	
TRAFFIC CONTROL (TWO LANES)					64	HR	\$ 60	\$ 3,840.00	
SITE PREPARATION					1	DAY	\$ 3,000.00	\$ 3,000.00	
UNCLASSIFIED P&M					354	CY	\$ 12	\$ 4,248.00	
MULCH NET					147	SY	\$ 8.75	\$ 1,286.25	
WOOD GUARDRAIL					60	LF	\$ 148.70	\$ 8,922.00	
Orme Contracting	NO RESPONSE								NO RESPONSE
CONTRACTOR MOBILIZATION / DEMOB					1	LS			
TRAFFIC CONTROL (TWO LANES)					64	HR			
SITE PREPARATION					1	DAY			
UNCLASSIFIED P&M					354	CY			
MULCH NET					147	SY			
WOOD GUARDRAIL					60	LF			
Travis Term, Inc.	NO RESPONSE								NO RESPONSE
CONTRACTOR MOBILIZATION / DEMOB					1	LS			
TRAFFIC CONTROL (TWO LANES)					64	HR			
SITE PREPARATION					1	DAY			
UNCLASSIFIED P&M					354	CY			
MULCH NET					147	SY			
WOOD GUARDRAIL					60	LF			

Note 1: Bid is nonresponsive. Quantity as submitted is not DOT compliant.

RECOMMENDATION: Award the bid to S.C. Stagner, Inc.
 for the bid amount of \$ 21,231.32

Karl Salazar 8/13/10
 Karl Salazar, Asst. Director of Public Works

To the best of my knowledge this is an accurate bid tabulation

Daniel P. Ames 8/13/2010
 Daniel P. Ames, Purchasing Manager

23 August 2010

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution to award bid for repairs of storm damage due to rainstorm on March 25, 2009 for Seawall at South Beach (FEMA Project). Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

RESOLUTION NO. 1685-10

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

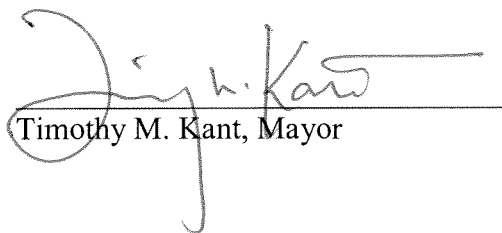
[1] That the City of Fairhope did request, receive, and open bids for Repairs of Storm Damage due to Rainstorm on March 25, 2009 for Seawall at South Beach (FEMA Project) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[2] At the appointed time and place, the following bids were opened and tabulated as follows:

Please see attached Bid Tabulation for Repairs of Storm Damage due to Rainstorm on March 25, 2009 for Seawall at South Beach (FEMA Project)

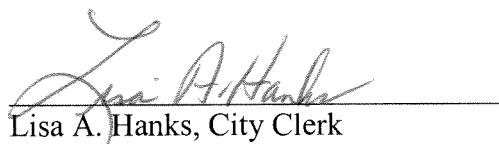
[3] After evaluating the bid proposals with the required bid specifications, S. C. Stagner Contracting, Inc., with the total bid proposal of \$12,294.00, is now awarded the bid for Repairs of Storm Damage due to Rainstorm on March 25, 2009 for Seawall at South Beach (FEMA Project).

Adopted on this 23rd day of August, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

23 August 2010

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution to award bid for repairs of storm damage due to rainstorm on March 25, 2009 for North Bayview (FEMA Project). Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1686-10

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

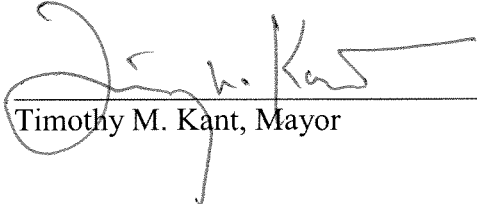
[1] That the City of Fairhope did request, receive, and open bids for Repairs of Storm Damage due to Rainstorm on March 25, 2009 for North Bayview (FEMA Project) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[2] At the appointed time and place, the following bids were opened and tabulated as follows:

Please see attached Bid Tabulation for Repairs of Storm Damage due to Rainstorm on March 25, 2009 for North Bayview (FEMA Project)

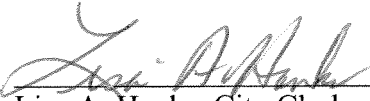
[3] After evaluating the bid proposals with the required bid specifications, BES, Inc., with the total bid proposal of \$12,811.13, is now awarded the bid for Repairs of Storm Damage due to Rainstorm on March 25, 2009 for North Bayview (FEMA Project).

Adopted on this 23rd day of August, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

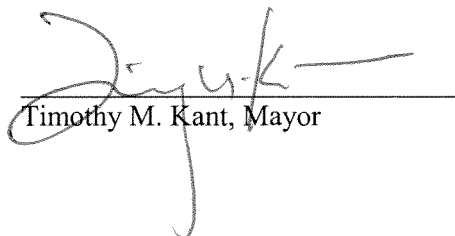
23 August 2010

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing City Administration to develop and issue an RFP for trash services in Fairhope which will allow Mayor Timothy M. Kant and Councilmembers to review proposals and evaluate City versus private operation of trash services. Councilmember Quinn mentioned that the Public Works Study Group asked that this be included in the initial RFP for the garbage and recycle services. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1687-10

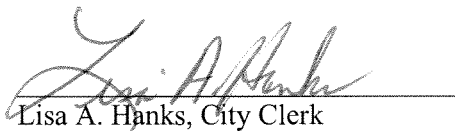
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Administration has authorization to develop and issue a Request for Proposal (“RFP”) for trash services in Fairhope which will allow Mayor Timothy M. Kant and the Councilmembers to review proposals and evaluate City versus private operation of trash services.

Adopted on this 23rd day of August, 2010



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 the Department Heads to contact directly, the appropriate legal counsel as required in their area of responsibility, should the need arise, with approval of the Mayor or City Administrator. The motion was seconded by Councilmember Kingrea.

Councilmember Kingrea proposed an amendment to include prior to the telephone call being made. This may be implicit in the resolution, but it doesn't read like that. Mayor Kant explained the current policy that was put in place due to an increase in attorney fees. He instructed everybody who needed outside counsel to send a memo to the City Clerk and she could research whether we could use private sources and not cost us anything; or maybe even had the information already in her office. If it was determined an attorney was needed, it was forwarded to my office. Mayor Kant stated if he did not like the request, he forwarded the request to the City Administrator with questions and why we needed to spend this money before allowing use of an attorney. Anything out of the ordinary was the reason this was put in place, so we could keep a checks and balances for these fees.

23 August 2010

Councilmember Stankoski moved to amend the resolution by inserting the word “pre” in front of the word “approve” for the resolution to read “The Mayor or City Administrator must pre-approve the call and the purpose for which the call is made.” The motion to amend was seconded by Councilmember Kingrea.

Councilmember Ford said this is kind of a dangerous area even though you have approval. We have a City Clerk who knows a lot; she could stop a lot of the actions of people calling right there because she is up on the rules and regulations. We have a Mayor who is very knowledgeable of what has been going on all of the time. Councilmember Ford stated he thought it should be one person to approve.

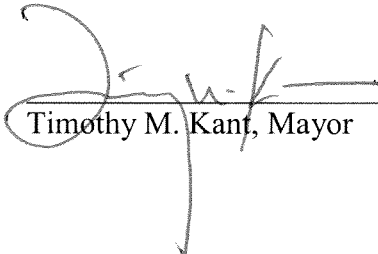
After further discussion the motion to amend the resolution, by inserting “pre” in front of “approve,” passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – Ford.

Councilmember Quinn moved for the adoption of the following resolution as amended, a resolution authorizing the Department Heads to contact directly, the appropriate legal counsel as required in their area of responsibility, should the need arise. The Mayor or City Administrator must pre-approve the call and the purpose for which the call is made. Seconded by Councilmember Kingrea, motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – Ford.


RESOLUTION NO. 1688-10

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Department Heads are hereby authorized to contact directly, the appropriate legal counsel as required in their area of responsibility, should the need arise. The Mayor or City Administrator must pre-approve the call and the purpose for which the call is made.

Adopted on this 23rd day of August, 2010


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, City Clerk

23 August 2010

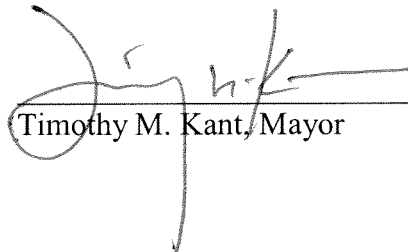
Council President Mixon announced that Item #17 has been pulled until the next City Council meeting.

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute two Agreements between DiRecManagement, Inc. and the City of Fairhope for the collection of the City of Fairhope's outstanding Criminal Fines and Utility Receivables. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1689-10

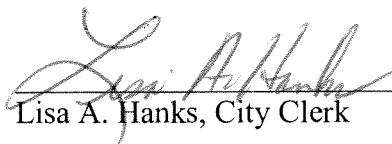
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute two Agreements between DiRecManagement, Inc. and the City of Fairhope for the collection of the City of Fairhope's outstanding Criminal Fines and Utility Receivables.

DULY ADOPTED THIS 23RD DAY OF AUGUST, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Council President Mixon announced that Item #19 has been pulled and will carry over until the next City Council meeting. Councilmember Kingrea asked Maria Gilheart and Laticia Peralez to meet with Jonathan Smith, Planning and Building Director, and possibly come to a compromise both parties could agree upon.

23 August 2010

Councilmember Kingrea moved for final adoption of Ordinance No. 1429, an Ordinance amending Ordinance No. 1413 regarding the application of proceeds for Tobacco Products Tax; changing the wording from Capital Projects Fund to the General Fund. (Introduced at the August 9, 2010 City Council Meeting) The motion was seconded by Councilmember Quinn. Councilmember Ford mentioned he voted against this before and the argument was we needed this money in the General Fund. We are taking away something that has worked for 20 or 30 years. We are not changing something just for the sake of changing not because it is necessary. After further discussion, motion for final adoption passed by the following votes: AYE - Quinn, Stankoski, Mixon, and Kingrea. NAY - Ford.

Councilmember Stankoski moved for final adoption of Ordinance No. 1430, an Ordinance amending Ordinance No. 1414 regarding the application of proceeds for Beer License Tax; changing the wording from Capital Projects Fund to the General Fund. (Introduced at the August 9, 2010 City Council Meeting) Seconded by Councilmember Kingrea, motion for final adoption passed by the following votes: AYE - Quinn, Stankoski, Mixon, and Kingrea. NAY - Ford.

Councilmember Quinn introduced in writing an Ordinance repealing Ordinance No. 1128 and Ordinance No. 1155 and to establish the Bylaws of the Fairhope Environmental Advisory Board. Since there was no motion for immediate consideration, this ordinance will lay over until the September 13, 2010 City Council meeting.

Councilmember Stankoski introduced in writing Ordinance No. 1431, an Ordinance authorizing Mayor Timothy M. Kant to execute an Agreement for Sale and Purchase and an Appropriation Agreement for transfer of property to the Fairhope Airport Authority. In order to take immediate action, Councilmember Kingrea 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. 1431. Seconded by Councilmember Stankoski, motion for final adoption passed unanimously by the following votes: AYE - Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

Councilmember Stankoski introduced in writing Ordinance No. 1432, an Ordinance directing the transfer of numerous parcels of land to the Fairhope Airport Authority and declaring said property to be properly used by the Fairhope Airport Authority for public purposes. In order to take immediate action, Councilmember Kingrea 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.

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Councilmember Stankoski then moved for final adoption of Ordinance No. 1432. Seconded by Councilmember Kingrea, motion for final adoption passed unanimously by the following votes: AYE - Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

Councilmember Kingrea moved to grant the request of Police Chief Press requesting permission to hire five full time employees and five part-time employees for the Police Department to fill vacancies: one Corrections Sergeant, three Police Officers, and one Dispatcher which are full time positions; and three Dispatchers and two Correction Officers which are part-time positions. Councilmember Ford seconded the motion. Councilmember Kingrea questioned the agenda having two replacements being requested and now requesting ten. Rhonda Bishop, Human Resources Director, replied all requested employees are replacements and these should help with overtime. Chief Press stated he needed these filled as quickly as possible. Mayor Kant suggested approving the hiring of the three Police Officers and the other vacancies wait until after the budget. After further discussion, motion passed unanimously by voice vote.

Councilmember Quinn moved to grant the request of the Fairhope Volunteer Fire Department requesting permission to purchase a 1971 FT500 2.5 ton 6X6 Military Truck, VIN#04A82670033410270 from the City of Fairhope for the sale price of \$1.00. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Quinn moved to grant the request of Joe Birindelli requesting permission for the soldiers from the 1165th Military Police Company to host an event near the pier or rose garden with proceeds going to the Fairhope Veterans Memorial. The event will be for several weekends in September and October; and they will coordinate with the Police Department as to the exact location and times. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Kingrea moved to grant the request of Donna Dodson, Director of the Eastern Shore Art Center requesting permission for the use of Fairhope Avenue from Bancroft to Church and Section Street from De La Mare to Magnolia Street for the 28th Annual Grand Festival of Art. The event is scheduled for Saturday, October 16 and Sunday, October 17, 2010 from 10:00 a.m. to 5:00 p.m.; and requesting the closure of streets at 5:00 p.m. on Friday, October 15, 2010. Also, she is requesting to use the small area near the clock that the City owns for an entertainment area or use the street (Section Street). Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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Councilmember Quinn moved to grant the request of Donna Dodson, Eastern Shore Art Center requesting the City of Fairhope to waive security fees for the Grand Festival of Art beginning at 5:00 p.m. on October 15 and ending at 5:00 p.m. on October 17, 2010. The motion was seconded by Councilmember Kingrea. Councilmember Quinn asked if the security fees were included in the budget. Chief Press replied no and that it would cost approximately \$2,800.00 for this event. Sherry Sullivan mentioned that they pay for security at their event in March. After further discussion, motion failed unanimously by voice vote.

City Council reviewed an application for a Restaurant Liquor License by Douglas Kerr, as member of Dragonfly Productions, L.L.C., d/b/a Dragonfly Café, located at 319 Fairhope Avenue, Fairhope, Alabama. Councilmember Kingrea moved to approve the issuance of the license. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Councilmember Kingrea moved for final adoption of Ordinance No. 1433, an Ordinance to amend Zoning Ordinance No. 1253. The Zoning Ordinance Amendments: Article V Special Districts, Section G. Tourism-Resort District. (Introduced at the August 9, 2010 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.

Councilmember Ford moved for final adoption of Ordinance No. 1434, an Ordinance to amend Zoning Ordinance No. 1253 requesting to zone the property of Point Clear Partners, LLC to Tourism Resort (TR) District concurrent with Annexation. This property is located off Battles Road and is commonly referred to as "The Colony at the Grand," Fairhope, Alabama. Parcel contains 181.1 acres more or less 05-46-09-30-0-000-078.002, 05-46-09-30-0-000-078.003, 05-46-09-30-0-000-080.000, 05-46-09-30-0-000-081.000, 05-46-09-30-0-000-088.000, 05-46-09-30-0-000-088.001, and 05-46-09-30-0-000-089.000. (Introduced at the August 9, 2010 City Council Meeting) The motion was seconded by Councilmember Kingrea. Councilmember Ford stated this is a gated community and the City will not have to keep up with the streets. Jonathan Smith, Planning & Building Director, responded that is correct. Councilmember Quinn questioned the Tree Ordinance not having to be followed and said trees add to the ambiance of Fairhope. Mr. Smith replied there are some exemptions, but others are zoned to apply a 40 foot buffer, i.e. on Battles Road. After further discussion, motion for final adoption passed by the following voice votes: AYE - Stankoski, Mixon, Ford, and Kingrea. NAY – Quinn.

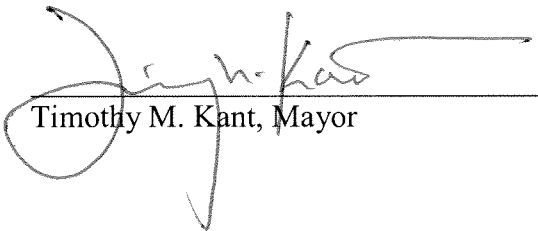
23 August 2010

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an Agreement between Point Clear Partners, LLC and the City of Fairhope regarding prepayment of certain fees relating to future construction and development of the Property containing approximately 181.1 acres. Seconded by Councilmember Kingrea, motion passed by voice vote: AYE – Quinn, Mixon, Ford, and Kingrea. NAY – None. ABSTAIN – Stankoski.

RESOLUTION NO. 1690-10

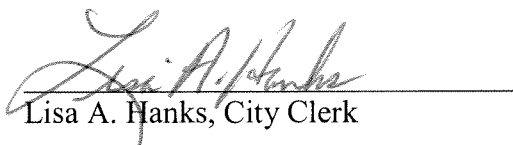
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute an Agreement between Point Clear Partners, LLC and the City of Fairhope regarding prepayment of certain fees relating to future construction and development of the Property containing approximately 181.1 acres.

Adopted on this 23rd day of August 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 Authorizing Mayor Timothy M. Kant to execute Settlement Agreement among Fairhope-Point Clear Association For Responsible Development, Robert B. Callahan, Sr., District Seventeen Community Association, Inc., City of Fairhope, Alabama, Barry Fulford, Point Clear Partners, LLC, and Baldwin County, Alabama. Seconded by Councilmember Ford, motion passed by voice vote: AYE – Quinn, Mixon, Ford, and Kingrea. NAY – None. ABSTAIN – Stankoski.

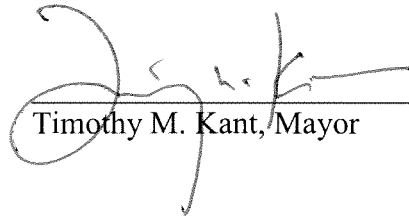
Councilmember Kingrea asked; does this involve everyone in the lawsuit. City Attorney Wynne replied yes it does and all others have signed the agreement.

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RESOLUTION NO. 1691-10

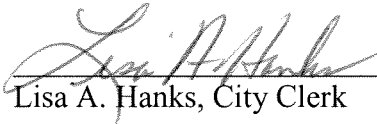
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized execute an Settlement Agreement among Fairhope-Point Clear Association For Responsible Development, Robert B. Callahan, Sr., District Seventeen Community Association, Inc., City of Fairhope, Alabama, Barry Fulford, Point Clear Partners, LLC, and Baldwin County, Alabama..

Adopted on this 23rd day of August, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Hop Allen, 410 Miller Avenue, addressed the City Council and questioned the annexation. He asked if this property is contiguous.

Walt Bolton of BES, Inc. addressed the City Council regarding the bid for the Fairhope Municipal Stadium upgrades. Mr. Bolton mentioned he was told not to put in engineering fees in the package; and asked who was responsible for changing the report. He asked the Council and the Mayor recognize that we have better owned small businesses and would like to do your work; and at least have a fair shot at general contacting and/or A&E work.

Dan Ames, Purchasing Manager, responded to Mr. Bolton. Mr. Ames stated there were two contracts; one for the engineer of record and one for the general contractor we hired. We had to rebid for the general contractor. Public Works projects have a different set of rules and regulations which we must follow. We put the bid out for the parameters. We advertised and let bids for the construction based on that budgetary amount.

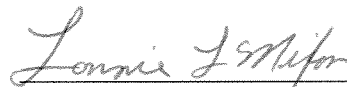
23 August 2010

Paul Ripp, 22985 High Ridge Road, addressed the City Council and questioned politicians bidding on and doing jobs for the City. He stated this is Ethics 101. He stated you should rethink hiring politicians.

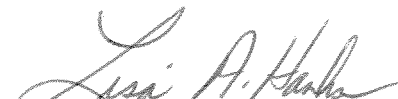
Debra Green, 415 Maple Street, addressed the City Council and asked; how can only part of this property come into the City. This evening you approved the final adoption of the Tourism District and then honored the request to rezone the property of Point Clear Partners, LLC concurrent with annexation. The engine of this is primarily the Grand Hotel. Ms. Green asked; is the Grand Hotel coming into the City limits and if not; how can only part of the district come into the City limits.

Council President Mixon replied that the City met the legalities needed to approve these two ordinances. Ms. Green asked to see the legalities. Council President Mixon told her to get with Jonathan Smith on Tuesday and he would show her the documents.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:20 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, City Clerk