

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 January 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 Reverend Tony Hinton, Music and Worship Pastor of Faith Baptist Church, and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 11 January 2010, regular meeting. He then stated if there are no corrections, the minutes stand approved as written.

Mayor Timothy M. Kant addressed the City Council and reported on the following items:

- Article regarding the City of Fairhope in "USA Today."
- Senior Bowl practice at the Fairhope High School stadium.
- Walter Lewis in the audience
- Recapped the September 30, 2009 year end and stated we need to tighten our belt for two more years.

Earl Blackmon from Hartmann, Blackmon and Kilgore presented the CAFR for the fiscal year ending September 30, 2009. He discussed briefly the main points of the audit and read several excerpts from the letter of transmittal.

Mayor Kant presented Rose Fogarty the CAFR Plaque and thanked Ms. Fogarty and her staff for a job well done. Ms. Fogarty introduced Jill Cabaniss, the City Accountant, who was in charge of collecting all of the financial data with the help of Nancy Wilson, Belinda Job, and many department supervisors.

John Borom, President of the Audubon Society, addressed the City Council and said the Audubon Society donated \$800.00 for the Purple Martin Project. The City will purchase eight new bird houses. Mr. Boron gave an update on Birdfest and mentioned people from 21 different states came to see our birds.

25 January 2010

Liz Chandler, Fairhope Recreation Center Director, addressed the City Council and gave an update on the success of the Fairhope Recreation Center via a Power Point presentation. Ms. Chandler briefly went over the following statistical data for the Recreation Center:

January 25, 2010

Re: Rec Center Membership Statistics

Liz:

The attached spreadsheet contains Membership Statistics as of Monday, 01/25/10. Several things can be gleaned from these statistics, for example:

- Total Revenues to date are \$147,050. Projected Annual Revenues from current memberships are \$263,140.
- Total Memberships are at 572 and total members at 1300. The difference between the two, being the 728 dependant members in family and couples memberships.
- The yearly memberships are currently the most popular with 295 in that category, 52% of the total of all memberships. The monthly memberships are the next most popular with 1161 memberships. The three (3) month category has 115 memberships
- The single category having the highest number of memberships is the Senior Couple Yearly category at 102 total memberships. The Family Yearly category is next at 64 total memberships.
- 224 memberships are in Senior categories of one type or another, 39% of all memberships.
- There are 161 total memberships in the Monthly categories. Most of those one would expect to sometime change to a lower cost, longer term membership category. Front Desk staff will comment about that to members making their monthly payments.
- City of Fairhope employees comprise only 34 total memberships. Of those, only 20 are in the new offering of committing to a year but making monthly payments. Considering that the City has about 250 employees, this would seem like a rich area to mine for prospective members.
- There are only 3 non-resident memberships. The Rec. Center's non-resident membership dues are quite a bit higher than the resident membership dues but still on par with or less than other fitness centers on the Eastern Shore. Word of mouth and "issues" at other facilities will likely lead to increases in non-resident memberships.
- There have been only 10 transfers from Pool Memberships. It may be worthwhile to learn from the pool staff which Pool Members have more than 6 months remaining on their memberships and then advise those pool members of the offer to discount the Rec Center's annual membership for the value of their remaining pool membership.

25 January 2010

MEMBERSHIP STATISTICS AS OF MONDAY 01/25/10

| Membership Type | Yearly | 3 - Month | Monthly | Comments |
|-------------------------------|--------|-----------|---------|-----------------------|
| Couple Monthly | | | 42 | |
| Couple 3-Month | | 29 | | |
| Couple Y Non-Resident | 2 | | | |
| Couple Yearly | 27 | | | |
| Family Monthly | | | 34 | |
| Family 3 - Month | | 21 | | |
| Family COF Yearly | 9 | | | |
| Family COF Annual Deal | 14 | | | Payments made monthly |
| Family Yearly | 64 | | | |
| Family Yearly Non-Resident | 1 | | | |
| Transfer from Pool Membership | 10 | | | |
| Rec Center Employee | 9 | | | |
| Senior Couple COF-Monthly | 1 | | | |
| Senior Couple Monthly | | | 23 | |
| Senior Couple COF 3 - Month | | 2 | | |
| Senior Couple 3 - Month | | 28 | | |
| Senior Couple Yearly | 102 | | | |
| Senior Single COF Annual Deal | 1 | | | Payments made monthly |
| Senior Single Monthly COF | | | 2 | |
| Senior Single Monthly | | | 27 | |
| Senior Single 3 -Month | | 15 | | |
| Senior Single COF Yearly | 3 | | | |
| Senior Single Yearly | 20 | | | |
| Single Adult COF Monthly | | | 1 | |
| Single Adult COF Annual Deal | 5 | | | Payments made monthly |
| Single Adult Monthly | | | 32 | |
| Single Adult 3- Month | | 20 | | |
| Single Adult COF Yearly | 3 | | | |
| Single Adult Yearly | 24 | | | |
| Totals | 295 | 115 | 161 | |

| | |
|-----------------------------------|------|
| Total Number of Memberships | 572 |
| Total Number of Members | 1300 |
| Total Number of Dependent Members | 728 |

| | |
|--|-----------|
| Total Revenues to Date | \$147,050 |
| Projected Annual Revenues from Current Memberships | \$263,140 |

Ed Bishop, Baldwin County Commissioner, addressed the City Council and stated he was here to work with the Council and improve the quality of life. He mentioned several projects that the County was working on: Highway 181 being 4-laned, Highway 13 from Barnwell to Highway 90, Courthouse expansion, Magnolia Landfill and "Team Green," sidewalks, trailblazers, paving and resurfacing, and new bus station (transit hub). We need to work together for the community.

25 January 2010

Councilmember Kingrea announced there would be an open forum regarding the alcohol sales ordinance. At this time it is scheduled for February 3, 2010 at 6:00 p.m. The location is not definite, but hopefully will be in the Council Chambers.

Council President Mixon stated that he had received several compliments for Chief Press and his staff for the way they handled the Senior Bowl overflow traffic. He also mentioned this was a "Red Letter Day" because after 28 years on the City Council, Mike Ford was on the radio.

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

- Newly drafted Educational Assistance Program policy is on the Mayor's desk for review and should be presented to the City Council at the next meeting.
- Process to pre-qualify Professional Engineering Services is almost complete and should be presented to the City Council soon.
- 5-Year Plan is being worked on and will be presented to the City Council in March.

Council President Mixon stated a Feasibility Study Advisory Committee is being formed to assist in gathering information for Dr. Harvey. The Committee will make no recommendations, just gather data. The following will be liaison members: City Councilmembers, City Clerk Lisa Hanks, City Treasurer Nancy Wilson, City Administrator Gregg Mims, FAC Chairman Chuck Zunk, and BCBE School Board Representative Bob Callahan. Mayor Kant will be a member of the Committee. Council President announced Councilmember Quinn would be the chair of the Committee. Councilmember Quinn moved to appoint five members to the Feasibility Study Advisory Committee: Mike Lucci, Amanda VanderHeyden, Jim Ketchum, Mike Keating, and Terri Bishop. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Ford moved to approve the request from Debbie Quinn to attend the Mayor's Design Summit in Montgomery, February 17-18, 2010. Seconded by Councilmember Kingrea, motion passed by the following voice votes: AYE – Stankoski, Mixon, Ford, and Kingrea. NAY – None. Councilmember Quinn recused herself.

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution supporting community gardens at the K-1 Annex field. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

25 January 2010

RESOLUTION NO. 1609-10

Resolution to Support a Community Garden at K-1 Annex Field

WHEREAS, the Local Food Production Initiative is a nonprofit 501(C)(3) organization formed to support the development of community gardens and other local food initiatives in the Fairhope area, and

WHEREAS, many Fairhope residents do not have suitable space for home garden sites and/or lack gardening skills; and

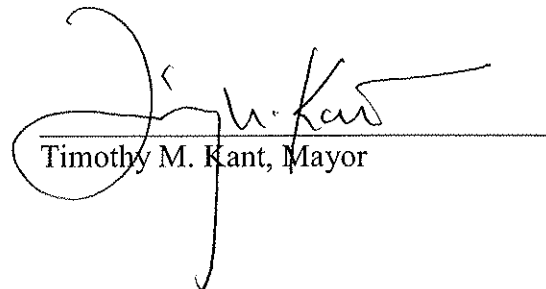
WHEREAS, community gardens provide healthy recreation and promote community spirit and pride; and

WHEREAS, space is now available and underutilized at K-1 Annex Field; and

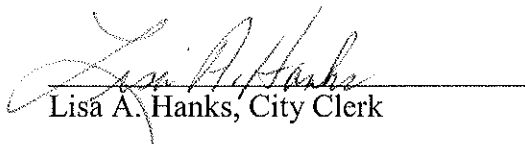
WHEREAS, the Local Food Production Initiative has agreed to construct and manage a community garden open to all Fairhope residents on a first come, first serve basis, at no significant cost to the City,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA that The Fairhope City Council supports the establishment of a community garden at K-1 Annex Field and directs the City Attorney and the City's Parks and Recreation Director to work with Local Food Production Initiative representatives on a contract with the City regarding siting, "hold harmless" agreements, garden rules, garden maintenance, water hookups to the existing lawn irrigation system, and other provisions to ensure a successful community garden to include up to 20 raised beds (4 ft by 12 ft each).

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, this 25th day of January, 2010.


 Timothy M. Kant, Mayor

ATTEST:


 Lisa A. Hanks, City Clerk

25 January 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 the City of Fairhope and BES, Inc. for 2009, to conduct environmental consulting services to maintain compliance with conditions of the MS4 Permit. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1610-10

WHEREAS, the City of Fairhope shall enter into agreement with BES, Inc. for 2009, to provide environmental consulting services in an effort to maintain compliance with the conditions of the Municipal Separate Storm Sewer System (MS4) Permit; and,

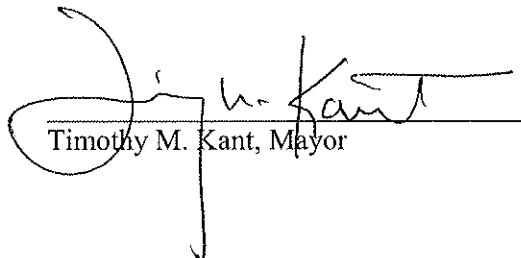
WHEREAS, to provide environmental consulting services, the following plan of action will be implemented by BES, Inc.:

1. Represent the City at meetings of the Stormwater Consortium.
2. Address related correspondence on behalf of the City.
3. Complete the annual stormwater sampling and analysis (one time each year).
4. Complete and submit the City's required annual report.

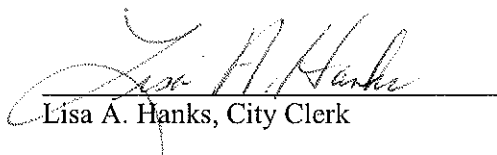
WHEREAS, the cost to provide environmental consulting services shall not exceed \$1,200.00; and,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute an agreement between the City of Fairhope and BES, Inc. for 2009, to conduct environmental consulting services to maintain compliance with the conditions of the MS4 Permit.

ADOPTED THIS 25TH DAY OF JANUARY, 2010


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, City Clerk

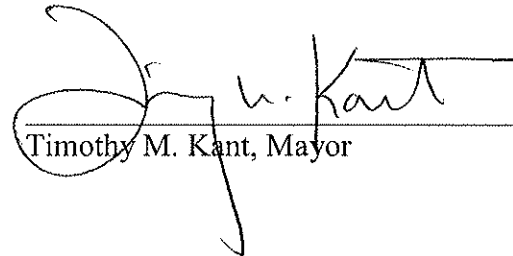
25 January 2010

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an Agreement for Engineering Services with Custom Engineering Solutions to perform an Electric Distribution System and Arc Flash Assessment Study for the Electric Department of the City of Fairhope. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 1611-10

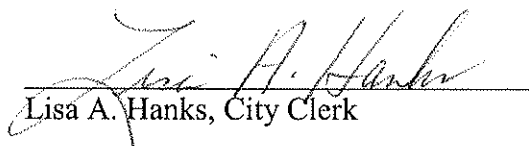
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute an Agreement for Engineering Services with Custom Engineering Solutions to perform an Electric Distribution System and Arc Flash Assessment Study for the Electric Department of the City of Fairhope. The cost for the Electric Distribution System Study should not to exceed \$63,000.00. The cost for the Arc Flash Assessment Study is \$12,500.00 with a total cost not to exceed \$75,500.00.

DULY ADOPTED THIS 25TH DAY OF JANUARY, 2010



Timothy M. Kant, Mayor

Attest



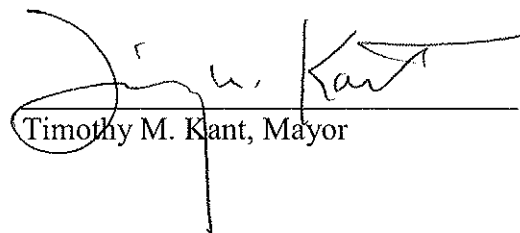
Lisa A. Hanks, City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an Agreement for Professional Services with Test America, Inc. to perform mandatory EPA and ADEM Water Testing for the Water & Sewer Department of the City of Fairhope. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

25 January 2010

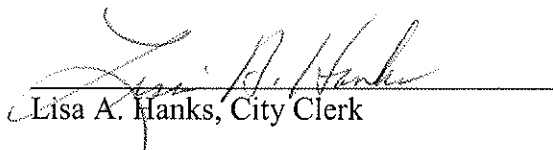
RESOLUTION NO. 1612-10

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 for Professional Services with Test America, Inc. to perform Mandatory EPA and ADEM Water Testing for the Water & Sewer Department of the City of Fairhope.

DULY ADOPTED THIS 25TH DAY OF JANUARY, 2010

Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, City Clerk

Councilmember Quinn moved to go out on bids for the procurement of a D-5 used bulldozer for the landfill. Seconded by Councilmember Kingrea, 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 an Agreement with Baldwin EMC pertaining to all street lights that Baldwin EMC serves electricity located in Fairhope and to approve the expenditure for installing 14 Traditionaire lights in Arlington Farms. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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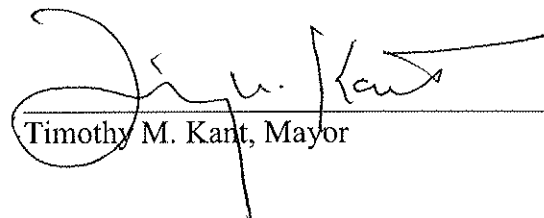
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25 January 2010

RESOLUTION NO. 1613-10

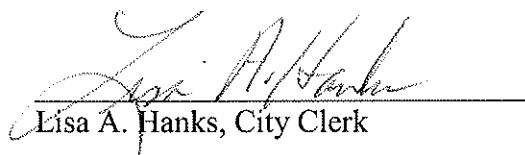
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor Timothy M. Kant is hereby authorized to execute an agreement between the City of Fairhope and Baldwin Electric Membership Cooperative (“EMC”) pertaining to all street lights that Baldwin EMC serves electricity located in Fairhope and to approve the expenditure for installing 14 Traditionaire lights in Arlington Farms with a cost estimate of \$18,698.95.

Adopted on this 25th day of January, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Quinn moved to amend Ordinance No. 1406, an ordinance amending Ordinance No. 1255 known as the Personnel Rules, Policies and Procedures Ordinance, by changing the second paragraph (B. Policy) of Section 8.05 Zero Tolerance Substance Abuse Policy and Procedure from “or during an employee’s work hours” to “while working.” Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Stankoski moved for final adoption of Ordinance No. 1406, an ordinance to amend Ordinance No. 1255 known as the Personnel Rules, Policies and Procedures Ordinance. (Introduced at the January 11, 2010 City Council Meeting) with the amendment to the policy stated above. The motion was seconded by Councilmember Kingrea. Councilmember Ford questioned; who makes the decision to terminate employee and wanted to make sure the employee was given a hearing. Rhonda Bishop, Human Resources Director, replied the employee would still have the Grievance Procedure and Due Process. Councilmember Stankoski stated that there are two issues here: one issue is Ford talking about accusations and the other issue is a random test; medical test. After further discussion, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

25 January 2010

Councilmember Quinn introduced in writing Ordinance No. 1407, an ordinance annexing City of Fairhope's property, located at the intersection of County Road 13 and Manley Road, Fairhope, Alabama. Contains 40 acres more or less 46-08-28-0-000-014.008. In order to take immediate action, Councilmember Stankoski moved for immediate consideration. Seconded by Councilmember Ford, 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. 1407. Seconded by Councilmember Stankoski, motion for final adoption passed by the following votes: AYE – Quinn, Stankoski, Mixon, and Ford. NAY - Kingrea.

Councilmember Quinn introduced in writing Ordinance No. 1408, an ordinance annexing the property of Aaron and Dorothy Norris and Fairhope Single Tax Corporation, located at 20671 Northwood Drive, Fairhope, Alabama. 46-06-14-0-000-001.814. In order to take immediate action, Councilmember Stankoski moved for immediate consideration. Seconded by Councilmember Kingrea, 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. 1408. Seconded by Councilmember Stankoski, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY – None.

Councilmember Kingrea moved to approve the request from the Public Works Department for Request for Qualifications for Professional Services for the Landfill Closing and procurement of services over \$7,500.00. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Councilmember Ford moved to approve the request from the Public Works Department to declare the Construction of Dog Park as Public Works Project #PW002-10 and to expend the funds on hand in the Pet Park donation account. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Councilmember Quinn moved to approve the updated Fairhope Volunteer Fire Department Roster. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Stankoski moved to approve the updated Fairhope Police Reserve Officers Roster. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Council President Mixon announced that Agenda Item #20 needed to be held over until the next City Council meeting in order for the Administrative staff to sign off on this request; i.e. City Administrator, Chief of Police, and Sherry Sullivan.

25 January 2010

City Council reviewed an application for a Special Retail License by Will Carlton, Sr. for the Fairhope Rotary Club's annual fund raising event called "The Steak Cook Off" located on De La Mare Street, Fairhope, Alabama. Councilmember Kingrea moved to approve the issuance of the license. Seconded by Councilmember Stankoski, motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – None. ABSTAIN – Ford.

Council President Mixon announced that Agenda Item #22 is a request from Habitat for Humanity for the City of Fairhope to waive utility tap fees for approximately \$3,800.00. This property is on Ingleside near Twin Beech Road and not in the City limits. He mentioned the City has never waived fees outside the City limits. Councilmember Quinn said the City limits are skewed and that her neighbor in outside the City limits. She said we need to help Habitat for Humanity. It is an approved 501c3 and they do great work.

Councilmember Kingrea moved to ask Habitat for Humanity to annex this specific lot into the City of Fairhope. The motion was seconded by Councilmember Ford. Councilmember Kingrea said we need to know what Fairhope is and what Fairhope isn't. He went on to say if Habitat for Humanity annexes into the City, he would be the first to request the fees be waived because this is a worthy charity. Mayor Kant stated the City could work with Habitat to annex into the City. Councilmember Stankoski replied we do not want to set a precedent and there are many others outside the City limits. After further discussion, motion passed unanimously by voice vote.

Council President Mixon announced that Agenda Item # 23 is a request from Randall Gautney, President of Kiwanis of Fairhope and the Eastern Shore for the City of Fairhope to waive fees associated with police officers used during "Bookin 4 Books" on April 24, 2010. He stated this also needs to be held over until the next City Council meeting in order for the Administrative staff to sign off on the request. Councilmember Kingrea moved to hold over the request until the next City Council meeting and submit through the Administrative staff. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Chuck Zunk, Chairman of the Financial Advisory Committee, addressed the City Council and explained the following item and recommendation from FAC:

Ask Mayor Kant to go out on bid for healthcare for City employees; current contract expires in October. Several suggestions were Blue Cross Blue Shield, Aetna, and United Healthcare. When requesting the bid, the following two types of coverage are needed: 1) Provide bid for Coverage As Is Now; and 2) Provide bid for Market Based Coverage.

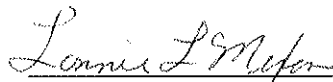
25 January 2010

Councilmember Ford moved to accept the recommendation of the FAC and ask Mayor Kant to go out on bid for healthcare for City employees and to request the above two types of coverage. Seconded by Councilmember Kingrea, motion passed unanimously by voice votes.

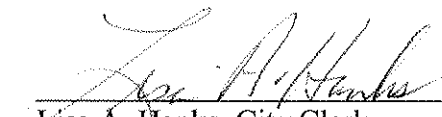
Dean Mosher, 456 Oak Avenue, addressed the City Council and presented a package of statements concerning the October 23, 2006 City Council meeting and requested that these be entered into the official records.

Fred Clark, Jr., President and CEO of AMEA, addressed the City Council and presented a Power Point Presentation regarding power supply updates. He stated the AMEA is a strong partner to Fairhope. Mr. Clark answered questions from the audience.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:51 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, City Clerk