

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

MONDAY, 25 OCTOBER 2010 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve Minutes of 11 October 2010, Regular City Council Meeting.
2. Old Business
Rick Kingrea - "Where Do We Stand"
3. Report of the Mayor
Mayor's Veto of Insurance Benefits Ordinance
4. Council Comments
5. City Administrator
6. Public Participation

ADD ON Resolution Approving The Frazier Lanier Company Incorporated, as Investment Banker, and Bradley Arant Boult Cummings, LLP, as Bond Counsel (Collectively, The "Professional"), in connection with the Proposed Issuance by the City of Fairhope of its Utility Revenue Warrants, Series 2010-A, and General Obligation Warrants, Series 2010.

7. Resolution – Approving and Authorizing Mayor Timothy M. Kant to execute a Memorandum of Understanding between The Baldwin County Watershed Coalition and The City of Fairhope.
8. Ordinance – An Ordinance Amending Ordinance No. 1255 Known as the Personnel Rule, Policies, and Procedures Ordinance, Section 6.01 Health Insurance Benefits and Section 6.05 Insurance Benefits for Retirees.
9. Executive Session – Discuss Pending Litigation
10. Adjourn

Next Regular Meeting Monday, November 8, 2010 Same Time and Place

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 October 2010.

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

There being a quorum present, Council President Mixon called the meeting to order. The invocation was given by Councilmember Stankoski and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 11 October 2010, regular meeting. He then stated if there are no corrections, the minutes stand approved as written.

Councilmember Kingrea did not have any comments or questions under “Where do we stand?”

Mayor Kant addressed the City Council and asked for a moment of silence for Fran Faust Slade who has passed away. Then he recognized Rose Fogarty, Financial Reporting Manager, for the third year in a row to receive The Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association (“GFOA”) for its comprehensive annual financial report (CAFR). Mayor Kant also addressed the wetlands resolution on the agenda and stated he was opposed to the actual fee, but in favor of the regulations.

City Clerk Lisa Hanks mentioned Mayor Kant’s veto of the Insurance Benefits Ordinance which was presented to the City Council. A vote to overturn the Mayor’s veto was not introduced by the City Council.

Councilmember Ford addressed the City Council regarding the Nix Center fee increase. He mentioned the one hundred percent increase for non-residents and asked Sherry Sullivan if there was a decrease in membership. Ms. Sullivan stated that she did not have a good count yet, but has lost some memberships. She said the increase to \$40 is the problem. Mr. Ford said the City Council needs to revisit this increase.

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City Administrator Gregg Mims addressed the City Council and mentioned that the Water & Sewer Department normally flushes fire hydrants which this task is time consuming and the department works overtime to complete. This year Dan McCrory, Water & Sewer Superintendent, had help from the Public Works Department, Electric Department, and the Fairhope Volunteer Fire Department. This saved approximately \$35,000 with no overtime and completion two weeks early.

Mr. Mims also mentioned Councilmember Quinn wanting a status on the boom and he said the City is working on paperwork to put the boom on the market.

Councilmember Ford moved to address the following item **not** on the printed agenda. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution approving The Frazier Lanier Company Incorporated, as Investment Banker, and Bradley Arant Boult Cummings, LLP, as Bond Counsel (Collectively, The "Professional"), in connection with the proposed issuance by the City of Fairhope of its Utility Revenue Warrants, Series 2010-A, and General Obligation Warrants, Series 2010. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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RESOLUTION NO. 1713-10

A RESOLUTION APPROVING THE FRAZIER LANIER COMPANY INCORPORATED, AS INVESTMENT BANKER, AND BRADLEY ARANT BOULT CUMMINGS, LLP, AS BOND COUNSEL (COLLECTIVELY, THE "PROFESSIONALS"), IN CONNECTION WITH THE PROPOSED ISSUANCE BY THE CITY OF FAIRHOPE OF ITS \$7,300,000* UTILITY REVENUE WARRANTS, SERIES 2010-A, AND \$5,000,000* GENERAL OBLIGATION WARRANTS, SERIES 2010

Whereas, the City of Fairhope (the "City"), acting by and through its governing body, the City Council (the "Council"), is considering the issuance of approximately \$13,000,000 Utilities Revenue Warrants, Series 2010-A and General Obligation Warrants, Series 2010 (collectively, the "Warrants"), in order to refund its General Obligation and Utility Revenue Warrants issued in 2002; and

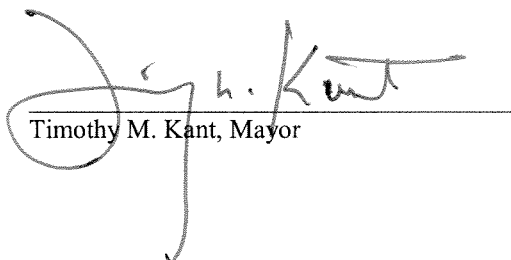
Whereas, the City hereby engages The Frazier Lanier Company Incorporated, Montgomery, Alabama, as Investment Banker, and Bradley Arant Boulton Cummings, LLP, Birmingham, Alabama, as Bond Counsel (collectively, the "Professionals"), to assist the City with the issuance of such Warrants; and

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

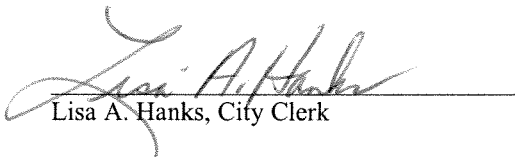
1. The Professionals are hereby directed to proceed with preparation of all documents and information necessary to prepare the City to enter the market for the issuance of the Warrants.
2. Should the City, in its sole discretion, dismiss the professionals or elect not to proceed with the issuance of the Warrants, no fees nor expenses shall be charged to the City.

*Estimate

DULY ADOPTED THIS 25TH DAY OF OCTOBER, 2010


 Timothy M. Kant, Mayor

Attest


 Lisa A. Hanks, City Clerk

Councilmember Kingrea introduced in writing, and moved for the adoption a resolution approving and authorizing Mayor Timothy M. Kant to execute a Memorandum of Understanding between The Baldwin County Watershed Coalition and The City of Fairhope. Councilmember Stankoski seconded the motion.

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Councilmember Kingrea stated he read the Memorandum of Understanding and has some problems with the tax. He said it is not well enough defined. Councilmember Stankoski said we have EPA and ADEM which are funded by tax money and should be held accountable to have the developers or whoever causes the problems with runoff. The developers should pay the remediation fees as opposed to having yet another agency funded by your money. He commented the City did not need any additional fees or taxes. Councilmember Ford stated he agreed with both Councilmembers and am opposed to it. After further discussion, motion failed by the following voice votes: AYE – None. NAY – Stankoski, Mixon, Ford, and Kingrea.

Councilmember Kingrea introduced in writing an Ordinance amending Ordinance No. 1255 known as the Personnel Rules, Policies and Procedures Ordinance, Section 6.01 Health Insurance Benefits (Beginning January 1, 2011, the City shall make no contribution toward dental insurance for employees or retirees. Dental insurance will be available on a voluntary basis to employees, with full cost paid by payroll deduction. Retirees electing to have dental insurance will pay the full premium at the beginning of each month, along with their portion of the health insurance premium); and Section 6.05 Insurance Benefits for Retirees (Beginning October 1, 2010, the City shall make no contribution to Retiree healthcare premiums for employees hired after September 20, 2010). Since there was no motion for immediate consideration, this ordinance will layover until the November 8, 2010 City Council meeting.


At the request of the City Attorney, Marion E. Wynne, the City Council will rise from the meeting to go into Executive Session based on Section 36-25A-7(a)(3) to discuss pending litigation. The approximate time to be in Executive Session is 20 minutes. Councilmember Stankoski moved to go into Executive Session. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Exited the dais at 6:12 p.m. Returned at 6:38 p.m.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:38 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, CMC
City Clerk