

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, 26 April, 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 at First Baptist Church, and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 12 April 2010, regular meeting. Councilmember Stankoski stated he had one amendment; to add "Mayor Kant replied I will have them at the next meeting." Council President Mixon then stated if there are no other corrections, the minutes stand approved as amended.

Commissioner Wayne Gruenloh addressed the City Council and thanked the City for all of us working together. He said we are doing more with less. The City of Fairhope took the lead with allowing for the first BRATS facility hub to be built in Fairhope. We have worked together on sidewalk projects and the addition to the satellite courthouse. Commissioner Gruenloh once again thanked the City of Fairhope for working with Baldwin County.

Council President Mixon announced that they needed to amend the agenda by adding on the following item: motion to approve and authorize Mayor Kant to execute a 50-year lease between Auburn University and the City of Fairhope.

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

Councilmember Stankoski moved to approve and authorize Mayor Timothy M. Kant to execute a 50-year Lease Agreement between the City of Fairhope and Auburn University to use a location for a Water Storage Tank, Well, Sewer Pump Station and Force Main.

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Mayor Kant addressed the City Council and briefly discussed the following items:

1. Ordinance for Utility Superintendent was discussed. He stated what the City Administrator was paid versus the County Administrator and the difference in the number of employees for both. He said we only have 56 employees and there is no need for another slot. Creating an officer of the City will be an appointed position. You need to look at what things cost. Code of Alabama Section 11-43-3 states: Such council may by a two-thirds vote of the members elected, by and with the consent of the mayor, consolidate two or more of the offices and may abolish any such offices; provided, that the term of office of no incumbent shall be diminished. Mayor Kant said that he wanted it on record that he is against this particular change.
2. He stated that the take home vehicles cost the City approximately \$31,000 per year outside the police jurisdiction. If we fast forward that for 10 years out with a factor of about 2.3 percent which is what we base all of our projections on, it is around \$40,000. When you put new employees in the vehicles based on growth, you are close to \$50,000. He said we need to relook at these cost issues.
3. You have in the ordinance that the City Administrator can make decisions for the Police Department. Mayor Kant said that the City Council should still make the final call on expenditures.
4. Open Meetings Law was the last item. Mayor Kant stated that his concern was that the media was not included in some of the meetings. The FAC subcommittee was formed and met without a notice. He then mentioned a violation of this law may cause not only the City being sued but each official individually. This could be either by citizens, the District Attorney, or the Attorney General. If you meet to deliberate items, you must follow the Open Meetings Act. All deliberations must be out in the public. The second meeting of the subcommittee, Mayor Kant stated he called the media to attend.

Council President Nixon replied if you did not report us, then you violated the Ethics Law. He then went on to say that Mayor Kant gets mileage for about 50 miles per day which averages approximately \$500.00 per month.

Councilmember Kingrea commented that at the February 27, 2010 Work Session he made a comment regarding sign placement for directing people to our parking deck and said "Jennifer Baby" where are we on that. I immediately called Jennifer and apologized to Jennifer Fidler and in an e-mail also said I would apologize again at an open meeting. Councilmember Kingrea apologized to Jennifer Fidler for any harm he did and she accepted.

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Councilmember Quinn stated the Mayor is misrepresenting some facts on the radio and in public with us hiring some supervisors and how much they make. Looking over the budget salaries are up 8 percent from 2009, but over half a million not counting benefits, are being spent on all people that he hired. Actually look at savings by not hiring back positions we did not fill, the most we spent was \$20,000 more than the year prior. This is not good for the morale and not good for the public to hear those kinds of things that are not true and being exaggerated. She hoped the Mayor and City Council could calm things down and talk like adults to each other.

City Administrator Gregg Mims addressed the City Council and briefly discussed the following items:

1. Faulkner State had a lease which expired in December 2009 and now are on a month-to-month basis. We are going to notify Faulkner that the lease has expired and after the three years the library would like this space.
2. Auburn University said verbally they would annex the 800 acres.
3. About two weeks ago, he went to the Electric Department for a day. Mr. Mims then stated he would be visiting other departments in the future.

Dan McCrory mentioned the ordinance that was updated to install sewer lines and grinder pumps which would be extending credit. We have researched this issue with the help of Ken Smith from the Alabama League of Municipalities, through Attorney General Opinions, and with the help of Dan Ames and Lisa Hanks; and found that we need to delete a section of the ordinance and amend back to its original form.

Councilmember Stankoski mentioned that the Library Board recommended the renewal of the lease for three years, then go month-to-month if necessary, and recover the space for the Library.

Councilmember Kingrea spoke on behalf of the Traffic Committee. He said people have issues with traffic problems. We are going to increase patrol in certain locations. This will be financed through a grant which requires increased Police presence.

Councilmember Stankoski questioned the data on the economic impact from the Arts and Crafts Festival. City Treasurer Nancy Wilson replied all of the data is not in yet, but right now we show an increase over \$82,000. Mayor Kant said we will be able to know more by the end of the month and after sales tax collections are finally in.

Chuck Zunk, Chairman of the Financial Advisory Committee, addressed the City Council and gave the following Power Point presentation:

26 April 2010

ANALYSIS OF RESULTS AND
OPPORTUNITIES FOR
IMPROVEMENT

City of Fairhope
1st Half Fiscal 2010
Ending March 31, 2010

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Slide 1

PLANNING FOR SUCCESS

- **Create the plan and budget**
- Perform and measure
- Analyze results and analyze opportunities for improvement
- Implement improvement plans to meet budget goals

2

Slide 2

BASIC GOALS - FY2010 BUDGET

- Fiscal control to end the year on budget
- Accumulate "Rainy Day" money in the General Fund and each Utility Fund
- Each department to have enough capital for basic maintenance and critical improvement projects

3

Slide 3

BASIC GOALS - FY2010 BUDGET

- Generate sufficient profits in the Utility Funds to reduce transfers to 63% this year and still **accumulate enough capital reserves** to fund ...
- ...debt repayment,
- ...infrastructure improvements,
- ...and funds for major future projects.

4

Slide 4

CITY COUNCIL INITIATIVES FOR
FY2010 FINANCIAL SAFETY NET

- 2% Sales Tax, half of which goes to special savings account and cannot be spent
- No annual pay increase for City employees

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Slide 5

PLANNING FOR SUCCESS

- Create the plan and budget
- **Perform and measure**
- Analyze results and analyze opportunities for improvement
- Implement improvement plans to meet budget goals

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Slide 6

26 April 2010

THE 2 RULES OF PERFORMANCE MEASUREMENTS

Rule #1
Performance measurements are meaningful only if compared to BUDGET.

Rule #2
See Rule #1.

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Slide 7

ARE WE MEETING BUDGET GOALS?

- Fiscal control to end the year on budget?

NO

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Slide 8

ARE WE MEETING BUDGET GOALS?

- Accumulate adequate "Rainy Day" money in the General Fund and in each Utility Fund?

NO

9

Slide 9

ARE WE MEETING BUDGET GOALS?

- Each department to have enough capital for basic maintenance and critical improvement projects?

NO

10

Slide 10

ARE WE MEETING BUDGET GOALS?

- Generate sufficient profits in the Utility Funds to reduce transfers to 63% this year and still **accumulate enough capital reserves** to fund ...
- ...debt repayment,
- ...infrastructure improvements,
- ...and funds for major future projects?

NO

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Slide 11

PLANNING FOR SUCCESS

- Create the plan and budget
- Perform and measure
- **Analyze results and analyze opportunities for improvement**
- Implement improvement plans to meet budget goals

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Slide 12

26 April 2010

WHY ARE WE BELOW GOALS?

- Golf course
- Healthcare and benefits cost
- Salaries and overtime
- Legal costs
- Natural gas rate reduction
- Others

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Slide 13

WHY NOT JUST WAIT FOR THINGS TO GET BETTER?

- Let's check with Mobile and see how that strategy is working out for them.
- An excellent definition of "Lack of Fiscal Responsibility" is doing the same things over and over again, and expecting different results.

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Slide 14

OPPORTUNITIES FOR IMPROVEMENT

Important Note: These opportunities have not been evaluated, but should be. Some will have more potential than others. More ideas should be added to the list for evaluation.

The time to start evaluating is NOW!!!

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Slide 15

OPPORTUNITIES FOR IMPROVEMENT

- Healthcare insurance providers and plans
- Golf course
- Recreation Center
- Nix Center

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Slide 16

OPPORTUNITIES FOR IMPROVEMENT

- Home use of City vehicles
- Grass cutting services
- Custodial services
- Maintenance services

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Slide 17

OPPORTUNITIES FOR IMPROVEMENT

- Garbage and trash pick-up
- Purchase of flowers, trees, and other plants
- Greenhouse operations

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Slide 18

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OPPORTUNITIES FOR IMPROVEMENT

- Sewer operations, and rates for service
- Library cards
- Fee waivers for events involving police and other public services

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Slide 19

OPPORTUNITIES FOR IMPROVEMENT

- Operation of jail
- Meals purchased for prisoners
- Deposits and collection rules for non-residential utility accounts

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Slide 20

RECOMMENDED NEXT STEP

City Council resolve to have Staff provide information necessary to evaluate all opportunities for improvement.

NOTE: Time is of the essence.

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Slide 21

Larry Thomas, President of the Fairhope Single Tax Corporation, addressed the City Council and briefly went over the following:

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*

26 April 2010

FAIRHOPE SINGLE TAX CORPORATION

April 26, 2010

Fairhope City Council
City of Fairhope Alabama

I am here on behalf of the Fairhope Single Tax Corporation, as their President, to address several issues, some of which are fairly long running and we want to reaffirm our commitment to these important projects.

1. Booth Road (it used to be called Troyer or Bishop Road) extension from Nichols Ave to Morphy Avenue, to cut down on the school related traffic having to use Greeno Road. We think this is a life safety issue, more than just a convenience issue. Long ago we committed (first in 1994 and again more recently) to assisting with this project, even to the point of agreeing to pay for the materials needed.
2. We had previously committed to assist the City in doing some White Avenue Parkland improvements, including installing some markers to better show where the public lands begin and end. This will not only assist folks that want to use the public lands but also help keep them off of the home owners' leaseholds. We also committed to purchase the building materials for a gazebo type sitting area and even some benches.
3. We have also previously committed to assisting with various sidewalk projects, among them specifically on Bayview, and in general others could be brought to us to see if they fit our long range plans. Again, we think these are life safety issues.

We hope the City will move forward on these important projects and stand fully behind our previous commitments toward them.

Please contact me or have the appropriate city department head contact me and together we will get them going.

Sincerely,



L. P. (Larry) Thomas
President
251-928-0951
251-379-3670

26 April 2010

What has the Fairhope Single Tax Corporation done for the City of Fairhope and the surrounding community? A partial list follows:

- Gave the City of Fairhope the Deed to all parks, with reservations, along the bay front (1931)
- Gave the City of Fairhope the Deed to the Wharf (1932)
- Gave the original utilities to the City of Fairhope
- Paved streets, sidewalks and alleys in and around the City of Fairhope with the standing offer for more
- Helped fund the new Library (joint venture with the City of Fairhope)
- Majority funding of the new Museum (joint venture with the City of Fairhope)
- Ongoing new direction for Knoll Park (joint venture with the City of Fairhope)
- Gave the 24 acres for new ball fields & soccer fields – Founders Park
- Helped fund the new emergency room for Thomas Hospital
- Helped fund Centennial Hall on the Faulkner campus (joint venture with City of Fairhope)
- Funded equipment for the new female athletic facility at Fairhope High School and Fairhope Middle School
- Sponsor a girls & boys sports team in each City League
- Sponsor the Baldwin Pops concert for Founders Day every year
- Contribute to Ecumenical Ministries yearly
- Yearly contribution to Fairhope Band program
- Yearly support of Week Bay Estuary
- The recent Gully addition with the Baldwin County School Board and the City of Fairhope and surrounding community
- Ongoing construction of Nature Park
- Yearly sponsor of Thomas Hospital Golf Tournament
- Contributed to Fairhope Art Center addition
- Provided the parking lots in downtown
- Contributed to the Fairhope Elementary School pavilion
- Contributed to Museum Plaza
- Contributed to Alzheimer Wing at The Snook Center
- Contributed to the Marietta Johnson Statue
- Contributed to the Vietnam Memorial
- Paved Windmill and Thompson Hall Roads with the County
- Paved Estella Drive
- Support Honor Flight

The Fairhope Single Tax Corporation has done and will continue to do the work our forefathers started in making Fairhope a model community.

Mr. Thomas stated that the Fairhope Single Tax Corporation was prepared to write a check for the gazebo which would be similar to the White Avenue pier. We have talent, the ability, and are here to help. City Administrator Gregg Mims was asked to contact Mr. Thomas about the projects.

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Mikeal and Joel Donald, 311 George Street, addressed the City Council regarding Nichols Street gazebo. Ms. Donald stated that in October the Council voted on the deck, materials were ordered, and it was blocked from being built. Last meeting it was mentioned that the City would begin on the deck, but it was blocked again and we are not sure why. Council President Mixon asked about the status of the gazebo. Mayor Kant replied we just need the Council to vote on spending the money. Jennifer Fidler stated that it would cost approximately \$4,000 for the project. After further discussion, Councilmember Quinn moved to authorize City Treasurer Nancy Wilson to release up to \$5,000 which will be reimbursed by the Fairhope Single Tax Corporation. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Ms. Donald asked; what steps can we take to keep public lands and public parklands. Council President Mixon replied you need to check with the Building Department. Mr. Donald said the private pier is on the City property. This is a beautiful piece of land and the overlook is what we are wanting on Nichol Street. Mr. Donald said we want to watch the sunset as private owners do.

A Public Hearing was held as advertised on a proposed ordinance to amend the Zoning Ordinance No. 1253. Councilmember Stankoski introduced an ordinance to rezone the property of Karen Urbanek from R-1 Low Density Single Family Residential to B-4 Business and Professional District. The Planning & Zoning Commission decision was an unfavorable recommendation of this ordinance due to a split four-four vote. This property is located at 860 Edwards Avenue, Fairhope, Alabama.

Jonathan Smith, Planning and Building Director, explained the proposed ordinance:

STAFF INTERPRETATION:

The issues associated with this request are as follows:

The property consists of one residential lot and is located in the City of Fairhope. It is currently zoned R-1. The lot is approximately 24,815 square feet and the existing building on the property is approximately 1,700 square feet. The applicant would like to rezone the property to B-4. The property is bordered by City of Fairhope B-4 property to the south, Edwards Avenue and R-1 Zoning to the north, Greeno Road and unzoned property to the east, and R-1 property to the west.

The B-4 zoning designation represents the Business and Professional District. This district is intended to provide opportunity for business establishments of a professional nature and is restricted to offices and businesses, which provide specific corporate functions or professional services to the general public.

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The applicant has worked with staff to provide a healthy transition from residential to a light commercial use situated on Greeno Road. The applicant has included a letter of self-imposed restrictions on the requested B-4 Zoning which includes a 30 foot landscape buffer of screening/fencing to protect the residential neighbors to the west of this property. The applicant assured staff and the Planning Commission that this will be a deed restriction.

The Greeno-Gayfer Medical Park (AKA Bones and Babies) fronts Greeno Road, just north of the subject property. On November 6, 2006, the Planning Commission recommended a zoning change from R-1 to PUD for the Greeno-Gayfer Medical Park. The gross floor area for the combined buildings at the Greeno-Gayfer Medical Park totals at 48,900 sf. The City Council approved the zoning change on February 12, 2007. During the Greeno-Gayfer Medical Park discussions, city officials expressed the sentiment that along Greeno Road, from Gayfer Avenue south to Fairhope Avenue, office/professional uses are more desirable than retail uses.

The investors associated with this project are as follows: Karen Urbanek and Martin Myrick.

Comprehensive Plan: The location and type of business associated with this request is not contrary to the Comprehensive Plan. Section 4: "Land Use Plan", indicates Greeno Road being developed for Office/Commercial use South of Gayfer Avenue extending just South of Nichols Avenue.

Set Back for Building Structures: The current zoning designation for the property is R-1 with set backs as follows: front-40 ft.; rear-35 ft, side-10 ft, street side- 20 ft., minimum lot area per dwelling unit-15,000sf, and minimum lot width at building lot with of 100 feet. According to the applicant, the existing building does not meet the required front setback of 40 feet, but is approximately 20 feet from the front property line.

The zoning designation B-4 requires the following setbacks: front-20 ft, rear-20 ft. and side-10ft.

Vehicular traffic, circulation, connections, and parking: The City of Fairhope Parking requirements as stated in Article IV Section E will apply. The applicant has stated that the parking areas will be constructed of pervious materials.

Screening or buffer zones: In any district where a commercial/industrial use abuts a residential use, screening/buffering shall be required. Acceptable screening/buffering shall include a wall or fence of solid appearance, or tight evergreen hedge not less than six feet (6') in height and a twenty foot (20') landscaped buffer containing at least one (1) overstory tree and five (5) shrubs per every twenty-five linear feet (25').

Landscaping: The City of Fairhope Tree Ordinance will apply to the property.

Mitigation of noise: The applicant contends that noise and traffic concerns are not applicable due to the proposed low impact, professional business office use.

Exterior Construction Material: No new buildings have been proposed at this time. The applicant has stated that the existing single family residence will remain on the property at this time; the existing structure will be used as an Insurance office.

Exterior Lighting: Any future lighting proposed shall not spill over on to adjacent properties.

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PLANNING COMMISSION RECOMMENDATION:

Staff recommended to approve as requested, with the condition that any future development on the subject property shall comply with all applicable local, state and federal regulations and the applicant's self imposed restriction of a 30 foot landscape buffer of screening/fencing to protect the residential neighbors to the west of this property. Lonnie Mixon made a motion to accept staff's recommendation with the addition of a self imposed deed restriction of a 30 foot landscape buffer of screening/fencing. Lee Turner seconded the motion. The Planning Commission took a vote and the decision was split with four members in favor and four members not in favor of the motion. Dick Charles was absent from the meeting.

Respectfully Submitted for Consideration,

Nancy Milford
Planner
City of Fairhope

Jonathan I. Smith
Planning and Building Director
City of Fairhope

Council President Mixon opened the Public Hearing at 7:10 p.m.

1. Sam Jovings, 808 Edwards Avenue, addressed the City Council and stated that there were several people with disabilities and many with wheelchairs on this street. He mentioned Raylee, who is the son of Chris Cumbie and one of the reasons for The Raleigh and Raylee Angel Ride Foundation, lives on Edwards Avenue. Mr. Jovings said a traffic study was requested due to this being a shortcut from Ingleside and Greeno Road. We are concerned citizens because the proposed parking lot will be on Edwards Avenue not Greeno Road. There are commercial vacancies throughout Fairhope and hope this will not end up that way. Mr. Jovings suggested the City to close off Edwards Avenue in order to maintain the integrity of the neighborhood.

2. Jean Fountain, 804 Edwards Avenue, addressed the City Council and stated she moved to Fairhope for the Village Community. She is opposed to the rezone and it will hurt the street. She said there are senior citizens and children who live in the neighborhood with disabilities. The rights of present homeowners should be looked at and we already have a parking lot adjacent to Edwards.

3. Morgan Ashurst, agent for Karen Urbanek, addressed the City Council and stated the City did not recommend rezoning. He said that Martin Myrick understands the integrity of the neighborhood and wants this rezone to have low impact to community. There are no plans for the parking lot yet and should only have up to eight spaces. The building is approximately 1,700 square foot and there are plans to update it.

Councilmember Quinn mentioned the need for an overlay in this area. She also stated the preference to the parking lot being moved on Greeno.

Councilmember Ford said there is a dilemma on the other side of the street. We changed the law on PUDs to three acres for more control over what went there. There are no similar controls on Myrick's property. It would be nice to accommodate these people with the parking lot.

4. Hop Allen, 410 Miller Avenue, addressed the City Council on behalf of his daughter who lives close to that area. He said the same statements were made with the medical clinic and black pavement is the parking lot; not impervious. There is creeping commercialism in Fairhope and storage buildings are an issue. On Wesley, two cars cannot come through quickly at same time. There are three buildings where tenants are wanted.

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The Food World Shopping Center has vacancies. Publix has vacant buildings and the Goodwill store is vacant. Jean Smith asked for a speed bump and must walk in the streets because of no sidewalks. There is no guarantee that property will not depreciate and keep streets safe.

5. Karen Urbanek, 806 Edwards parents property since 1953, addressed the City Council and said she was selling the estate. Ms. Urbanek said in the spirit of being a good neighbor, she went door-to-door and spoke with the neighbors about concerns. Six out of the nine neighbors on the cul-de-sac were agreeable. The property owner that adjoins 806 Edwards could not be reached, so Ms. Urbanek sent a letter explaining the rezone. Traffic is an issue in itself and not part of the rezone. She thanked the City Council for their consideration.

6. Sue Bonner, 769 Edwards, addressed the City Council and stated her concerns about the parking on the side of Edwards. We will have more traffic and she has a child with a disability.

7. Betty Stejskal, who lives adjacent to the property, addressed the City Council and stated she supports the rezone.

8. Sam Jovings stated he chose to move here and has concerns with Myrick possibly selling the property.

9. Valerie Hodgson, 764 Edwards, addressed the City Council and stated that Edwards used to be peaceful and quiet once. Food World and fast food moved in. She said if assurances are given, such as no late night business, no drive thru restaurants, low noise, etc. she would be in approval of the rezone.

10. Debra Green, 415 Maple, addressed the City Council and stated she has concerns with the rezone. We are victims of Bones and Babies: the parking lot was supposed to be permeable pavers and were replaced with asphalt. An overlay district needs to be done all the way down Greeno; mixed use and planned well. She asked for the Council to put this rezone off and prepare the overlay district. Ms. Green stated she understands all of their problems and how they feel.

11. Larry Stejskal addressed the City Council and said we need a concept plan for U.S. 98 and it needs to plan what we are going to do with Greeno Road. This has long since gone beyond residential. We need to develop a controlled commercial strip. He mentioned the architectural solid wall and protective buffer are good.

12. Barbara Manders, property next door to Urbanek, addressed the City Council and said Edwards ought to be a closed-off street. I am not against what they want to do.

13. Martin Myrick, potential buyer, addressed the City Council and stated if purchased this property would be used as his insurance agency. This business is open Monday through Friday from 8:00 a.m. to 5:00 p.m. He said most of his business is done over the telephone.

The Public Hearing closed at 7:45 p.m.

In order to take immediate action Councilmember Quinn moved for immediate consideration. The motion failed for lack of a Second. This proposed ordinance will layover until the next regular City Council meeting.

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Councilmember Quinn moved to appoint Troy Strunk, Debra Green, and Samuel Andrews, IV as members and Clyde Panneton as an Alternate to the Board of Adjustments & Appeals. These positions are for a three-year term and shall end April 2013. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Quinn moved to appoint Anna Keene to the Fairhope Environmental Advisory Board, for a 2-year term. The term shall end April 2012. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to authorize Mayor Timothy M. Kant to sign the Municipal Water Pollution Prevention Program (MWPP) Report for 2009. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1637-10

**MUNICIPAL WATER POLLUTION PREVENTION (MWPP) PROGRAM
ATTACHMENT 1**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to inform the Department of Environmental Management that the following actions were taken by the City Council of the City of Fairhope, Alabama.

1. Reviewed the MWPP Annual Report which is attached to the resolution.
2. Set forth the following actions and schedule necessary to maintain effluent requirement contained in the NPDES Permit, and to prevent the bypass and overflow of raw sewage within the collection system or at the treatment plant:

No action was required to be taken by the City of Fairhope.

Adopted this 26th day of April, 2010

Timothy M. Kant, Mayor

Attest:

Lisa A. Hanks, City Clerk

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Council President Mixon announced he wanted to appoint a Study Group for the Five Year Capital Improvement Plan which would consist of the following members: Stan Grubin and Mac McCawley from the FAC, John Gutknecht, Mayor Timothy Kant, and Councilmembers: Lonnie Mixon and Dan Stankoski. Councilmember Quinn moved to appoint the above Study Group as presented. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Ford introduced in writing, and moved for the adoption of a resolution Award Bid for City Sketches Printing 2010 (Bid No. 009-10). Councilmember Kingrea seconded the motion. Councilmember Kingrea stated everything points to us moving towards computer generated documents. Councilmember Quinn asked; how many times a year do we print these. Dan Ames, Purchasing Manager, replied three times a year. Councilmember Stankoski suggested holding over until after the May 17, 2010 meeting. After further discussion, motion failed by the following voice votes: AYE – Ford. NAY – Quinn, Stankoski, Mixon, and Kingrea.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase forty (40) Wooden Utility Power Poles for the Electric Department. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1638-10

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

[1] That the City of Fairhope has voted to purchase forty (40) Wooden Utility Power Poles for the Electric Department and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7) to obtain informal quotes and purchase the wooden utility power poles. The cost will be approximately \$12,000.00.

Adopted on this 26th day of April 2010

Timothy M. Kant, Mayor

Attest:

Lisa A. Hanks, City Clerk

26 April 2010

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to two hundred forty (240) Gas Meters and Registers for the Gas Department. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1639-10

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

[1] That the City of Fairhope has voted to purchase two hundred forty (240) Gas Meters and Registers for the Gas Department and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7) to obtain informal quotes and purchase the meters and registers.

Adopted on this 26th day of April 2010

Timothy M. Kant, Mayor

Attest:

Lisa A. Hanks, City Clerk

Councilmember Quinn moved for final adoption of Ordinance No. 1416, an Ordinance amending Ordinance No. 1255 known as the Personnel Rules, Policies and Procedures Ordinance, Article VIII, Section 8.10 Use of City Vehicles. (Introduced at the April 12, 2010 City Council Meeting) The motion for final adoption was seconded by Councilmember Stankoski. Councilmember Quinn mentioned she asked for no texting while driving to be added to the ordinance at the last meeting. Councilmember Stankoski stated he would approve at this time, but at the May 17, 2010 this might be one of the areas we look at and could change at that time.

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Councilmember Kingrea moved to amend the ordinance to include all sworn police officers and on-call utility employees. The motion to amend was seconded by Councilmember Ford and then he stated we expanded from the City limits to the Police jurisdiction and stated that he had no problem with all Police Officers and superintendents. After further discussion, motion to amend the ordinance failed by the following voice votes: AYE – Kingrea. NAY – Quinn, Stankoski, Mixon, and Ford. The motion to amend failed for lack of a second.

After further discussion, the original motion for final adoption passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Ford. NAY – Kingrea.

Councilmember Stankoski moved for final adoption of Ordinance No. 1417, an Ordinance amending Ordinance No. 700 and Ordinance No. 1121, an Ordinance to Amend and Add to Chapter 21, Article V, Gas, Section 21-61. (Introduced at the April 12, 2010 City Council Meeting) Seconded by Councilmember Quinn, motion for final adoption passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY – None.

Councilmember Stankoski moved for final adoption of Ordinance No. 1418, an Ordinance amending Ordinance No. 1122 and Ordinance No. 1383, an Ordinance to Amend and Add to Chapter 21, Article IV, Sewers, Sections 21-56 and 21-57. (Introduced at the April 12, 2010 City Council Meeting) Seconded by Councilmember Kingrea, motion for final adoption passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY – None.

Councilmember Kingrea moved for final adoption of Ordinance No. 1419, an Ordinance establishing the Position of Utility Superintendent and Defining the Duties, Authority and Liabilities of said Superintendent. (Introduced at the April 12, 2010 City Council Meeting) The motion was seconded by Councilmember Quinn. Councilmember Ford stated Mayor Kant has been working in that position for no pay and was the Utility Superintendent for 10 years. We have one bump in the road and now looking to hire. Councilmember Kingrea stated that bump in the road was a \$700,000 to \$1,000,000 short fall and we are just creating a position, not filling the position. Councilmember Stankoski said the City is growing and utilities are increasing; let's prepare for the future. Councilmember Quinn stated we are looking for education with an engineering degree and management skills. After further discussion, motion for final adoption passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – Ford.

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Councilmember Quinn introduced in writing Ordinance No. 1420, an Ordinance annexing the property of Leslie E. Odom and Alicia E. Odom, located at 550 Fairland Avenue, Fairhope, Alabama. 46-03-37-0-015-155.000. In order to take immediate action, Councilmember Quinn moved for immediate consideration. Seconded by Councilmember Stankoski, motion for immediate consideration passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY – None. Councilmember Stankoski then moved for final adoption of Ordinance No. 1420. 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 Joe Birindelli, Co-Chairman for Citizens for Local Troop Support & Fairhope Veterans Memorial Committee, requesting the City of Fairhope to waive the fees for the use of the Civic Center for a formal ball to say farewell to our beloved soldiers who will be deployed to Afghanistan in November 2010 and the cost of security. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Erin Langley, Jitterbug Theatre Productions, addressed the City Council requesting the City of Fairhope to waive daily fees for the use of the Civic Center and they would pay the hourly and cleanup fees for its auditions in August and performances in November for Willy Wonka. She said over two thousand students attend this event and Fairhope students participate in the production. Councilmember Quinn mentioned with school cutbacks, this would be the only drama for our students.

Councilmember Kingrea moved to layover the request of Erin Langley, Jitterbug Theatre Productions, requesting the City of Fairhope to waive fees for use of the Civic Center until after the May 17, 2010 City Council Work Session. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

David Powell, City of Fairhope employee, addressed the City Council and briefly explained his vacation over the spring break with his family. He mentioned they could not afford for the first time to go somewhere for vacation, so they decided to spend the week in Fairhope. Mr. Powell stated that he and his son used the tennis courts, the skate park, played frisbee golf, and went fishing on the pier. He said that many tonight stated how wonderful the staff is and how hard working it is. Mr. Powell stated we are a dedicated staff and hard working.

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Mr. Powell mentioned that Councilmember Kingrea said we needed to cut to the bones. We are not allowed overtime or merit raises, cut back on supplies; printer cartridges are hard to get, and have lack of training for our jobs. Conferences are out of the question and these improve our skills. He said my plea to the City Council is that on May 17th you recognize that the City employees are people and we are not a bottom line. It is commendable that we did not lose our employment. On May 17th, please help the employees, not hurt them.

There being no further business to come before the City Council, the meeting was duly adjourned at 8:24 p.m.

Lonnie L. Mixon, Council President

Lisa A. Hanks, City Clerk