

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

MONDAY, 8 NOVEMBER 2010 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve Minutes of 25 October 2010, Regular City Council Meeting and minutes of the 25 October 2010 Work Session.
2. Presentation – Census Committee
3. Old Business
Rick Kingrea - “Where Do We Stand”
4. Report of the Mayor
5. Council Comments
6. City Administrator
7. Public Participation
8. Resolution – Declaring the James P. Nix Center/City of Fairhope 2005 Ford Goshen Passenger Van, VIN# 1FDWE35L05HB48895 as Surplus and is no longer needed for Public or Municipal Purposes; and authorizing the Mayor and the City Treasurer to dispose of the Van by receiving bids.
9. Resolution - Authorizing Mayor Timothy M. Kant to execute a contract between the City of Fairhope and Children’s Dance Theatre for the use of city facilities and resources.
10. Ordinance – Final Adoption – 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.
11. Ordinance – An Ordinance Establishing The City of Fairhope’s Noise Ordinance which Replaces and Repeals Ordinance No. 554, Ordinance No. 1100, Ordinance No. 1401, and Ordinance No. 1424.
12. Application for a Restaurant Liquor License by Ryan A. Glass, Camellia Café, LLC, d/b/a Camellia Cafe, located at 61 North Section Street, Fairhope, Alabama.

ADD ON Executive Session – To Discuss Pending Litigation

13. Adjourn

Next Regular Meeting Monday, November 22, 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, 8 November 2010.

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

There being a quorum present, Council President Mixon called the meeting to order. The invocation was given by Father Donald M. Smith, St. James Episcopal Church, and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 25 October 2010, regular meeting and the 25 October 2010, work session. He then stated if there are no corrections, the minutes stand approved as written. Councilmember Quinn abstained.

Sherry Sullivan recognized the Census Committee members and announced the following census percentages:

	2000		2010
State of Alabama	61%	increased to	72%
Baldwin County	54%	increased to	73%
City of Fairhope	65%	increased to	78%

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

1) Organizational Chart listed all jobs with salary ranges – City Administrator Gregg Mims stated that the Personnel Board and Human Resources were working on this and he would check on the status by the next meeting.

2) Quail Creek Entrance – Being handled through an insurance claim; three quotes were needed before insurance would handle. This would be brick work, landscaping, etc.

3) Bay Breeze Lane – Two letters were received from citizens regarding the pavement having potholes. Jennifer Fidler replied that Public Works received a request to patch the potholes which were patched on Thursday. We need to concentrate on our main roads and several dirt roads on our paving project.

4) Sidewalks on the Bluff from Summit to Bayview – Mayor Kant replied that he was not counting on sidewalks unless Council wishes to proceed. Jennifer Fidler stated the Fairhope Single Tax Corporation was interested in putting in this sidewalk. It is in the idea stage and the FSTC may present something in the future to the City Council.

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Councilmember Quinn addressed the City Council regarding the following issues:

1) School feasibility forum for next Monday night - Council President Mixon announced there would be school study meeting on Monday, November 15th at 6:00 p.m. at the Civic Center. The meeting is being sponsored by the City. She asked about the e-mail address being used and Council President Mixon didn't have the address.

2) Separate School System – Councilmember Quinn announced that she has never said she was in favor of a school system as reported in the Baldwin Press Register. She stated “I am on the fence in regards to a City school system. If we ever move forward, this would have to be a vote and probably have to be tied to some type of tax increase.” Council President Mixon stated this will probably be the last open forum for this group.

3) ALDOT funding for sidewalks – Fairhope, Daphne, and Spanish Fort received a \$75,000 grant for pre-engineering work for sidewalks from Highway 104 to the Causeway. We can use the figures for future building of sidewalks on four-lane 98.

Councilmember Stankoski addressed the City Council and stated he has never said he was for a separate school system. We have spent \$25,000 for a study and right now have two groups “Good to Great” and “Yes We Can” groups. We have a lot of parents who are interested, both Fairhope citizens and outside the City. Since we have this interest, this would be a great time to continue moving forward and try to make the school system, whether it is Baldwin County School System or Fairhope School System, to make the schools as great as they can be. Councilmember Stankoski also stated that Tuesday night was the dedication and open of the Fairhope Elementary School. This is a beautiful and first class facility; and a wonderful asset to the City.

Council President Mixon announced that they needed to amend the agenda by adding on the following item: motion to go into executive session.

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

Councilmember Ford addressed the City Council and asked the Finance Advisory Committee to put the Nix Center fees on their next agenda. He wants the Committee to relook at the one hundred percent (100%) increase for people living outside the City limits. Councilmember Ford also questioned the e-mail account set up for the school study. Council President Mixon replied the City is sponsoring this forum and two months ago the City Council authorized him as chairman to be charge of the open school forum and this was part of his job. This e-mail address was set up for the City. Council President Mixon replied, as Chairman of the Finance Committee, the Nix Center fees are six cents per day for citizens and twelve cents per day for people outside the City limits, but we will take under consideration this back on the Financial Advisory Committee's agenda.

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Council President Mixon stated that Mr. Polon and Mr. Horner signed up for Public Participation regarding the proposed Noise Ordinance and asked if they would wait until November 22, 2010 City Council Work Session for discussion.

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution declaring the James P. Nix Center/City of Fairhope 2005 Ford Goshen Passenger Van, VIN# 1FDWE35L05HB48895, as surplus and is no longer needed for Public or Municipal purposes; and authorizing the Mayor and the City Treasurer to dispose of the Van by receiving bids. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 1714-10

WHEREAS, the City of Fairhope, Alabama, has a certain item of personal property which is 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;

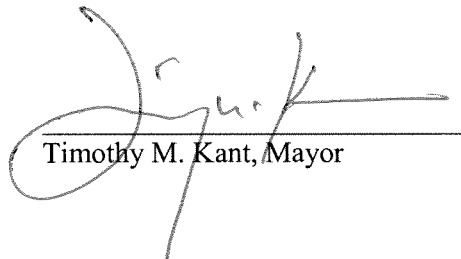
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FAIRHOPE, ALABAMA, AS FOLLOWS:

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:

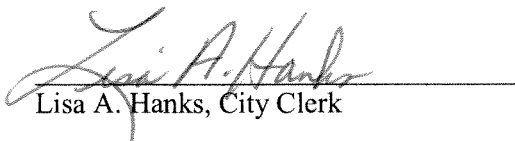
2005 Ford Goshen Passenger Van, VIN# 1FDWE35L05HB48895

SECTION 2. That the Mayor and the City Treasurer are is hereby 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 8TH DAY OF NOVEMBER, 2010


 Timothy M. Kant, Mayor

ATTEST:


 Lisa A. Hanks, City Clerk

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Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a contract between the City of Fairhope and Children's Dance Theatre for the use of City facilities and resources. Seconded by Councilmember Kingrea, motion passed by the following voice votes: AYE – Quinn, Mixon, Ford, and Kingrea. NAY - Stankoski.

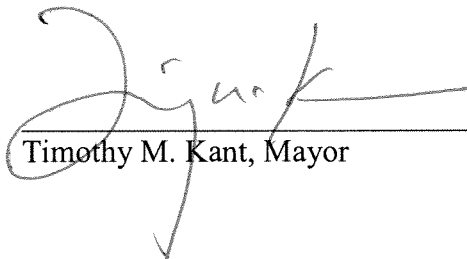
RESOLUTION NO. 1715-10

WHEREAS, Children's Dance Theatre serves a public purpose and the exposure to the performing arts and acknowledgment of the U. S. Department of Education's position that high-quality programs effectively integrating and enhancing arts instruction are increasingly important as students face the demands of the information age in the 21st century that the Children's Dance Theatre gives the City of Fairhope is a public service; and,

WHEREAS, We, Children's Dance Theatre, agree to work with the Mayor, and /or his agent(s), to promote the City of Fairhope and to expose all area school-age children the performing arts through our productions, sponsorship of 150 students from a Title One school to experience theatre arts, and provide teachers with educational packets that reinforce the educational aspects of the production. Children's Dance Theatre loans its scenery, props, and costumes, and free of charge to area schools and churches; and

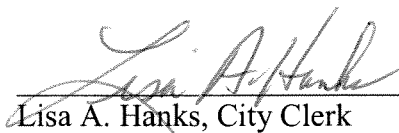
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute contract between the City of Fairhope and Children's Dance Theatre for use of the City facilities depending on availability and permission from the Rental Facilities Manager; and resources including personnel, but not hourly charges, incidental charges, and security after normal business hours.

ADOPTED this 8th day of November, 2010



 Timothy M. Kant, Mayor

ATTEST:



 Lisa A. Hanks, City Clerk

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Councilmember Kingrea moved for final adoption of Ordinance No. 1442, an ordinance amending Ordinance No. 1255 known as the Personnel Rules, Policies, and Procedures Ordinance; Section 6.01 Health Insurance Benefits and Section 6.05 Insurance Benefits for Retirees. (Introduced at the October 25, 2010 City Council Meeting) Seconded by Councilmember Stankoski, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY - Ford.

Councilmember Kingrea introduced in writing an Ordinance establishing the City of Fairhope's Noise Ordinance which replaces and repeals Ordinance No. 554, Ordinance No. 1100, Ordinance No. 1401, and Ordinance No. 1424. Since there was no motion for immediate consideration, this ordinance will layover until the November 22, 2010 City Council meeting.

City Council reviewed an application for a Restaurant Liquor License by Ryan A. Glass, Camellia Café, LLC, d/b/a Camellia Café located at 61 North Section Street, Fairhope, Alabama. Councilmember Quinn moved to approve the issuance of the license. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.


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 15 minutes. Councilmember Kingrea moved to go into Executive Session. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote. A memorandum was signed by Council President Mixon and City Attorney Wynne prior to the meeting which states the above reason for the Executive Session.

Exited the dais at 6:26 p.m. Returned at 6:41 p.m.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:41 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, CMC
City Clerk