

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, 10 May 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 and asked for a moment of silence for our invocation. Then, the Pledge of Allegiance was recited. Council President Mixon on behalf of the City Council invited community groups and civic organizations to contact them and they would be happy to speak to their groups. These groups should schedule that through the City Clerk's office.

Council President Mixon asked if there were any corrections to the minutes from the 26 April 2010, regular meeting. He then stated if there are no corrections, the minutes stand approved as written. Council President Mixon then asked if there were any corrections to the minutes from the 26 April 2010, work session. Councilmember Quinn stated she did receive any minutes. He then stated if there are no corrections, the minutes stand approved as written.

Mayor Kant addressed the City Council and gave an update on the BP oil spill. He stated the wind was blowing in our favor and at this time it would take five to six days to reach the Alabama coast. He spoke to Governor Riley regarding boom for the Eastern Shore and our boom should be deployed possibly by tomorrow. The City of Fairhope will receive \$450,000 for the City and \$200,000 for the Grand Hotel from BP for protection purposes only. Each day we have a White House briefing at 2:00 p.m. and a claims office has been opened in Robertsedale. Mayor Kant mentioned Ken Eslava, Assistant Public Works Director, is head of the oil spill for the City and City Administrator Gregg Mims is our Incident Commander. Mayor Kant stated that funeral escorts would be brought up for the third time tonight. He mentioned a written directive given to Chief Press to continue this service. If the Council wants to stop processions, then just do it. Mayor Kant also stated if you continue to remain silent on the issue, I'll have no recourse than go through the disciplinary action for not following the directive, and possible termination. Mayor stated he hopes Council would decide one way or another. Council President Mixon replied the resolution is not on the agenda to vote. He then asked Councilmembers Kingrea and Stankoski, Mayor Kant, City Attorney Wynne, Gregg Mims, and Chief Press meet tomorrow to come up with some sort of resolution for the funeral escorts.

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Councilmember Ford addressed the City Council and stated he had given each Councilmember a proposed resolution. He also mentioned years ago when the City had a fire, a siren went off, and someone controlled all traffic lights in town so the firemen could get to fire station to get trucks. If you have a funeral procession with approximately 50 cars, a police car at both ends of procession with no lights and all cars have to stop at lights, you are going to have a convoluted mess and it will defeat the purpose. Councilmember Ford said his resolution is simple and states: "Be it resolved by the Governing Body of the City of Fairhope instructing the Fairhope Police Department staff to continue escorting funeral processions as it has been done in prior years". He said let us continue doing what we have for over forty to fifty years. This is the last respect we can give the citizens of Fairhope in this world. After further discussion, Councilmember Ford moved for the adoption of the above mentioned resolution. Motion failed for lack of a second.

Mayor Kant addressed the City Council and presented plaques to Jim Godfrey and Charlie Langham for their service on the Fairhope Recreation Board. Their dream was for a Recreation Center and they are stepping down after all of the years on the board. Charlie Langham thanked the City Council for the opportunity to serve on the Recreation Board.

Jennifer Fidler, Public Works Director, presented the Public Works Department with a Proclamation, proclaiming May 16-22, 2010 as National Public Works Week.

Councilmember Quinn moved to grant the request of Jennifer Fidler, Public Works Director, to hire two regular part-time custodians for the Public Works Department. The motion was seconded by Councilmember Stankoski. Councilmember Kingrea mentioned the hiring freeze; and asked if we had the money and if these positions were in budget. Rhonda Bishop, Human Resources Director, replied yes. After further discussion, the motion passed unanimously by voice vote.

Mayor Kant addressed the City Council and presented Liz Chandler, Recreation Center Director, with a proclamation for saving the life of a citizen who was on the treadmill at the Recreation Center, had a seizure, stopped breathing, and turned blue. Ms. Chandler performed CPR until the paramedics arrived which saved the life of this citizen.

Councilmember Ford moved to grant the request of Tom Kuhl, Parks and Recreation Department Director, to hire a Group Fitness Instructor, two part-time employees for Membership Coordinator, part-time Lifeguards for public pool (summer help) for the Recreation Department, and to hire Fairhope High School Coaches to run the Summer of Fun Day Camp. The motion was seconded by Councilmember Stankoski who then asked; what was the Summer of Fun Day Camp.

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Mr. Kuhl explained they have approximately 30 to 60 children per day at the stadium and pool that range from kindergarten to 8th grade. After further discuss, the motion passed unanimously by voice vote. Councilmember Quinn suggested the City Council relook at Summer of Fun Day Camp in the future.

Councilmember Ford moved to approve the appointment of Erik Cortinas, Kevin Grimes, and Robert Keyser to the Recreation Board for a five-year term. The term will expire in May 2015. The motion was seconded by Councilmember Stankoski. Councilmember Quinn stated that Hank Mullins' term did not expire until the end of May and Mr. Mullins has submitted his application for reappointment. She also said that the Recreation Board needed some diversity and would like for this item to be held over. After further discussion, the motion failed by the following voice votes: AYE – Mixon and Ford. NAY – Quinn, Stankoski, and Kingrea.

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution to reject all bids for three CNG auto garbage trucks for the Public Works Department (Bid No. 032-09). Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

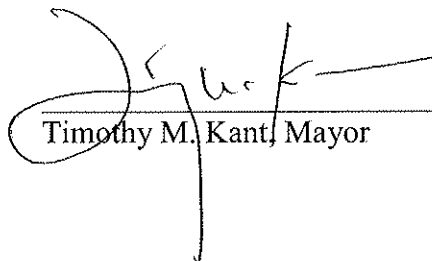
**RESOLUTION NO. 1640-10**

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

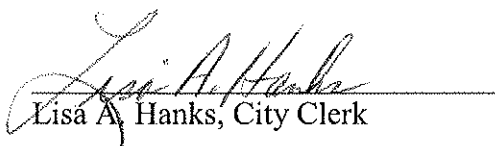
[1] That the City of Fairhope did request, receive, and open bids for Three CNG Auto Garbage Trucks for the Public Works Department (Bid Number 032-09) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[2] After further consideration, the recommendation of the requesting department (Public Works) is to reject all bids for Bid No. 032-09.

Adopted on this 10th day of May, 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 Joint-Action Services Master Agreement with the Alabama Municipal Electric Authority. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

**RESOLUTION NO. 1641-10**

**WHEREAS**, Alabama Municipal Electric Authority, a public corporation of the State of Alabama, organized and existing under the provisions of Act No. 81-681, enacted at the 1981 Regular Session of the Legislature of the State of Alabama, now codified as Sections 11-50A-1 *et seq.*, *Code of Alabama 1975*, as amended (the "Act") for the primary purpose of providing an adequate, dependable and economical supply of bulk electric power and energy to its municipal members (the "Authority"), and the City of Fairhope, Alabama, a municipal corporation of the State of Alabama and a member of the Authority (the "Member" or "City") have heretofore entered into that certain Amended and Restated Power Sales Contract between the Authority and the Member, dated as of May 1, 1986, as amended as of July 1, 1996, respecting the provision to the Member of bulk electric power and energy (hereinafter referred to as the "Power Sales Contract"), and

**WHEREAS**, the Authority is empowered under the provisions of the Act to do any and all things necessary or proper for the accomplishment of the purposes of the Act and any amendments thereto; and to exercise any power usually possessed by private corporations performing similar functions which is not in conflict with the Constitution and laws of the State; and

**WHEREAS**, at the request of a number of its municipal members, the Authority has initiated a joint-action services program for the benefit of the Authority's municipal members, the purpose of which is to support the effective and efficient operation of the Authority's members' electric distribution systems through the provision of services (many of which some or all of the Authority's members would not be able to obtain individually); and

**WHEREAS**, under the joint-action services program being undertaken by the Authority, municipal members wishing to participate will enter into a "Joint-Action Services Master Agreement" with the Authority in substantially the form thereof presented to the Council for its consideration; however, no municipal member of the Authority will be obligated to obtain a service or related group of services offered by the Authority as a part of the Authority's joint-action services program except and unless the member has entered into a separately-executed service order stating that the service order is entered into pursuant to the provisions of the Joint-Action Services Master Agreement and specifying in detail the service or related group of services to be provided and the terms and conditions of service; and

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**WHEREAS**, this Council believes and determines that the Authority's undertaking of the joint-action services program and the City's entering into the "Joint-Action Services Master Agreement" between the Authority and the City in substantially the form thereof presented to the Council for its consideration would be in the best interests of the City;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Fairhope, as follows:

1. A copy of the "Joint-Action Services Master Agreement" between the Authority and the City (the "Master Agreement"), considered by the members of the City Council of the City is hereby ordered inserted in the minutes of the meeting at which this Resolution is adopted at the end thereof.

2. The City Council hereby finds and determines that it is in the best interest of the City to enter into the Master Agreement with the Authority.

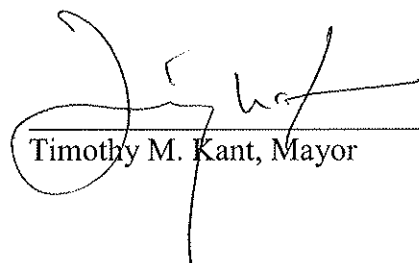
3. The City Council hereby adopts and approves the Master Agreement.

4. The Mayor is hereby authorized and directed to sign the Master Agreement in the name and on behalf of the City, and the City Clerk is hereby authorized and directed to affix thereto the official seal of the City and to attest the same. The Mayor also is hereby authorized and directed to deliver the Master Agreement to the Authority.

5. The officers of the City and each of them is hereby authorized and directed to take all action necessary or desirable to carry out the provisions of this Resolution and the Master Agreement.

6. The provisions of this Resolution shall take effect immediately upon its adoption.

ADOPTED AND APPROVED this 10th day of May, 2010.

  
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Timothy M. Kant, Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa A. Hanks, City Clerk

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Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution to award the RFQ for Engineering Services for the Closing of the C & D Landfill for the Public Works Department (RFQ No. PS001-10). Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

**RESOLUTION NO. 1642-10**

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

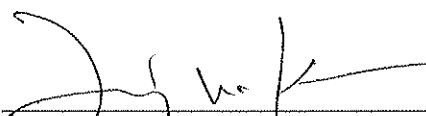
[1] That the City of Fairhope did request and receive RFQs for Engineering Services for the Closing of C & D Landfill for the Public Works Department (RFQ No. PS001-10) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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


Please see attached RFQ Tabulation for  
Engineering Services for the Closing of C & D Landfill

[3] After evaluating the RFQ proposal with the required specifications, Hutchison, Moore & Rauch, L.L.C., with the total RFQ proposal of \$38,300.00, is now awarded the RFQ for Engineering Services for the Closing of C & D Landfill.

Adopted on this 10th day of May 2010

  
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Timothy M. Kant, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, City Clerk



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**RESOLUTION NO. 1643-10**

**WHEREAS**, the City of Fairhope procures professional consulting design/service firms based on qualifications for projects throughout the City of Fairhope; and

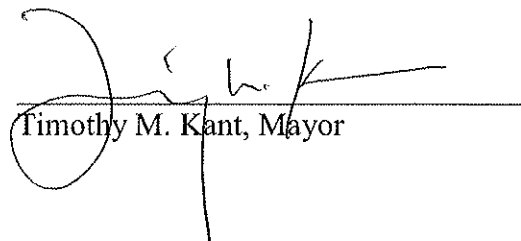
**WHEREAS**, the administrative staff of the City of Fairhope developed an Administrative Policy and Procedure: Quality Based Selection (QBS) for Professional Services Contracts;

**WHEREAS**, the City of Fairhope desires to establish a clear and consistent manner to select these professional consulting design/service firms to provide design and other professional services for the City of Fairhope; and

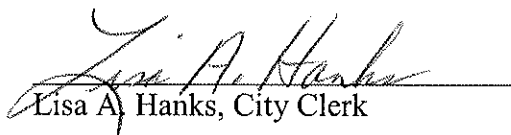
**WHEREAS**, the City of Fairhope intends to use a Quality Based Selection (QBS) Process for procurement of pre-qualified professional consulting design/service firms; and

**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, there is hereby established an Administrative Policy and Procedure: Quality Based Selection (QBS) for Professional Services Contracts as presented and on file in the Office of the City Clerk, a copy of which is attached hereto as Exhibit "A."

DULY ADOPTED THIS 10TH DAY OF MAY, 2010

  
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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 approving and authorizing the City of Fairhope to execute a Memorandum of Understanding between the City of Fairhope Police Department and the City of Mobile Police Department. The motion was seconded by Councilmember Quinn.



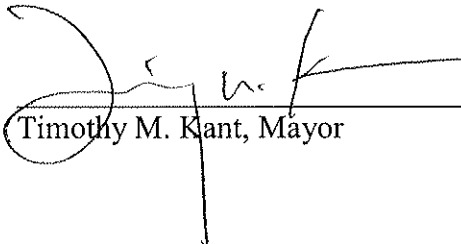
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Council President Mixon stated the only change to the resolution is the signature should be changed for the Mayor to sign on behalf of the City. Councilmember Quinn stated the Judy Newcomb, our District Attorney, would investigate as needed. City Attorney Wynne stated that is correct and the District Attorney could have an internal investigation if needed. Chief Press said he chose Mobile because they were the most qualified. After further discussion, motion passed unanimously by voice vote.

**RESOLUTION NO. 1644-10**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA,** that the City Council hereby approves and authorizes the City of Fairhope to execute a Memorandum of Understanding between the City of Fairhope Police Department and the City of Mobile Police Department.

Adopted on this 10th day of May, 2010



\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:



\_\_\_\_\_  
Lisa A. Hanks, City Clerk

Councilmember Quinn moved for final adoption of Ordinance No. 1421, an Ordinance amending Zoning Ordinance No. 1253 to rezone the property of Karen Urbanek to be rezoned from R-1 Low Density Single Family Residential District to B-4 Business and Professional District with the amendment to add “the self imposed deed restriction of a 30 foot landscape buffer to protect the residential neighbors to the west of the property” to the ordinance. (Introduced at the April 26, 2010 City Council Meeting) The motion was seconded by Councilmember Ford as amended. Councilmember Kingrea mentioned a number of citizens are concerned due to traffic. Several suggestions were given: make the street a cul-de-sac, a one way street, close off the street, or put in a speed bump. Jonathan Smith, Planning and Building Director, replied that they would work together and the proposed business would only have seven to eight parking spaces. Mr. Smith said the site plan criteria would be followed and the proposed access if off of Edwards.

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Councilmember Ford suggested putting the driveway behind Estella and not on Edwards. Councilmember Kingrea said he wanted to make sure we protect the citizens and when the owner comes back with the proposed building, we need to be diligent in what we do and help our citizens. Councilmember Stankoski stated in future development maybe we could add sidewalks. He mentioned the City did a traffic study and the average miles per hour were 26 mph and 29 mph. Councilmember Quinn stated that at the Planning Commission meeting an "Overlay District" was discussed, a committee was formed to look at this project, and she was asked to be on the committee. After further discussion, motion for final adoption passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY – None.

Councilmember Stankoski introduced in writing Ordinance No. 1422, an Ordinance to amend Ordinance No. 1411, an Ordinance to amend Chapter 21, Article IV, Sewers, Section 21-54, deleting the paragraph regarding installing grinder pumps and sewer lines with sewer rates at \$54.50. In order to take immediate action, Councilmember Stankoski 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 Stankoski then moved for final adoption of Ordinance No. 1422. Seconded by Councilmember Quinn, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY – None.

Councilmember Quinn introduced in writing the Red Clay (Clay and Silt) Ordinance amending and replacing Ordinance No. 759 and Ordinance No. 1313, known as the Coastal Protection Ordinance. Councilmember Quinn moved for immediate consideration. The motion for immediate consideration failed for lack of a second, this will lay over until the May 24, 2010 City Council meeting.

City Council reviewed an application for a Beer/Wine On/Off Premises License by Janice Nicholson, Owner of Papa's Pizza, located at 420 Fairhope Avenue, Fairhope, Alabama. Councilmember Quinn moved to approve the issuance of the license. Seconded by Councilmember Ford, 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 Quinn, motion passed unanimously by voice vote.

Exited the dais at 6:51 p.m. Returned at 7:07 p.m.

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Councilmember Ford moved to grant the request of Jennifer Fidler, Public Works Director, to hire 6 part-time beach attendants for additional summer help for the Public Works Department. The motion was seconded by Councilmember Stankoski. Councilmember Kingrea asked if these positions were budgeted. Rhonda Bishop, Human Resources Director, replied 4 attendants were budgeted and the other two were not. She stated last year two golf course employees helped while the course was being renovated. After further discussion, the motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Ford. NAY – Kingrea.

Councilmember Stankoski moved to authorize the City Attorney to negotiate with Point Clear Properties. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Sam Crosby, 12751 Gavin Lane, Foley, Alabama, addressed the City Council on behalf of the owners of Wolfe Bayview Funeral Home. There are thirteen cities and towns in Baldwin County still providing this service. On April 19, 2010, Mayor Kant issued a memo to the Police Chief to continue services. Section 41-11-83 of the Code of Alabama allows the Mayor to do this. On May 5, 2010, Chief Press issued a letter on how escorts will be done in the future. We are asking that you “Leave As Is” for funeral processions until you take formal action.

Don McGriff, 101 North Section Street, addressed the City Council on behalf of an elderly client who is a concerned senior citizen. His client is in favor of the funeral escorts, but has several reasons for being concerned. If the City discontinues escorts for funeral processions: it would cause a public safety issue; and it would give a bad impression for a City who is ranked in the top 10 retirement areas in the country. Also, our tax increase should have accommodated this service.

Ron Allen, 435 Liberty Street, addressed the City Council and mentioned Councilmember Ford’s proposal and motion with no second to the motion. Four people are looking totally silly. This is the second time you guys have had a motion presented and no one seconding it. If you are not supporting the motion, at least tell us why you are not seconding the motion. As a citizen and a voter, I have a right to know and would like for someone to say something.

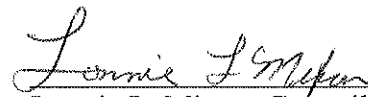
Willie Williams, 17420 Confederate Rest Drive in Point Clear, addressed the City Council and said he had met with his focus group asked them what they thought about the proposal to stop funeral escorts. The question brought up in the group was entitlement to the citizens. We will take a day off to send a police car to another city or to escort a funeral for a city official who passes away, but an average citizen would not have this service. A different set of values is being looked at: rich or poor, black or white, etc. Wolfe took care of my mother and father. When I see a funeral procession, I pull to the side of the road due to respect. This service is a certain kind of respect and dignity; and the City needs to handle this.

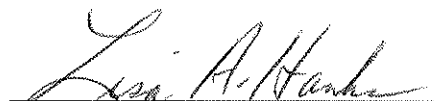
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Hop Allen, 410 Miller Avenue, addressed the City Council and stated that Larry Stejskal asked the City Council to look at zoning laws and commercial units would blend in with residential. Councilmember Quinn mentioned the Overlay District discussed at the Planning Commission meeting and a committee would be looking at this project.

David McCarthy, employee with the City, addressed the City Council and mentioned his membership with "The Rolling Thunder" previously known as "The Patriot Guards." Mr. McCarthy requested that the City of Fairhope put up a MIA/POW flag to be flown here at City Hall.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:25 p.m.

  
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Lonnie L. Mixon, Council President

  
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Lisa A. Hanks, City Clerk