

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, 11 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 Associate Pastor Jeff Ingram, of First Baptist Church and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 28 December 2009, regular meeting and the 28 December 2009, work session. Councilmember Ford replied that on the last page in the minutes his name was left off for the motion and the actual vote for the resolution was missing. Council President Mixon then stated if there are no other corrections, the minutes stand approved as corrected.

Greg Gipson, with Baldwin County Electric Membership Corporation, presented Mayor Timothy M. Kant with their annual business license check. The check was in the amount of \$106,280.61 representing a percentage of BCEMC's business revenues within the City Limits of Fairhope and representing a percentage of BCEMC's business revenues in the police jurisdiction.

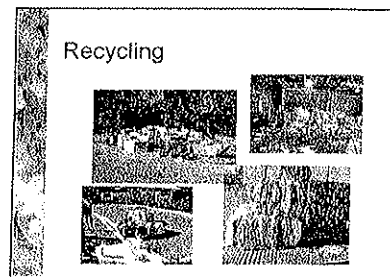
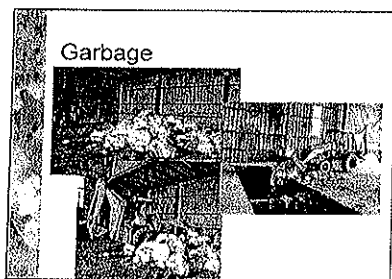
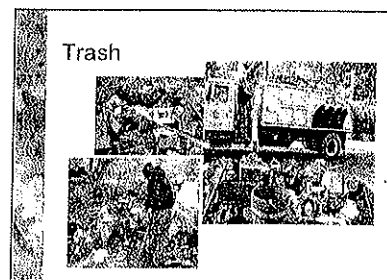
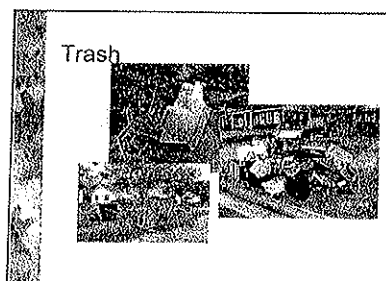
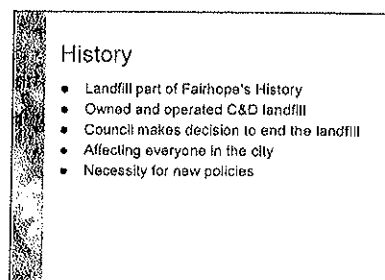
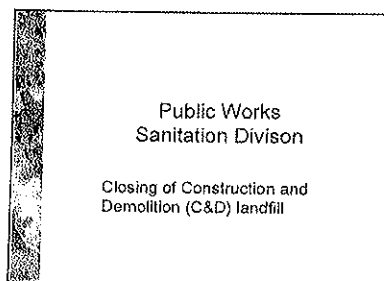
Mayor Timothy M. Kant addressed the City Council and reported on the following items:

1. Utilities – Gas Department has record levels and on Sunday had 6,600 units.
2. Church Street Businesses – several merchants have been complaining about the striping and losing parking spaces. We need to look at Church Street as a whole.

Councilmember Kingrea stated that this issue was discussed when the Parking Garage was built this section would go back to parallel parking. He said we talked with people and looked at the area. Parallel parking makes it safer to drive down Church Street. Councilmember Quinn mentioned it would have been nice if we had talked with the merchants. Councilmember Kingrea replied we need signs directing to parking lot and to the Parking Garage, directional signs.

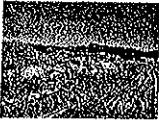
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Jennifer Fidler, Public Works Director, addressed the City Council and gave an update on the landfill closing and asked permission to go out on bid for the garbage and trash trucks because she wanted to look at other options than just the Alabama State Bid list. Council President asked if there was any opposition of going out on bids for these trucks. Since no one opposed, he stated there is no opposition for you to go out on bids for these items. Ms. Fidler then gave the following Power Point presentation:



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The City of Fairhope landfill is closing February 27th, 2010



- Currently, **WE ARE NOT** accepting materials that are mixed (limbs and leaves mixed with Construction

- **WE WILL NOT** be picking up Construction and Demolition (C & D) material curbside after February 27th, 2010.
- You will be charged for any bulk item or C&D type material that is picked up at your address after 2/27/10.


- **YOU MAY** continue to bring your C & D material in to the city dump site free of charge.



Trash Collection Policy (Two kinds/Two piles)::




1. Yard Debris



- * Grass clippings, leaves, limbs, tree debris
- Yard debris is considered "trash" and will continued to be picked up free of charge, weekly, curbside.

2. Bulk Items




- Appliances, furniture or items too large for garbage can
- Bulk Items can be picked up with a fee charged to your utility bill or brought into the city dump for free.

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C&D type material:

- is discarded garden pots, toys, lumber, building materials, appliances (bulk item), furniture (bulk item), fixtures, miscellaneous items.
- Put all small C&D type material in your garbage can.



- If you have any questions, please feel free to contact us at 928-8003. Thank you!
- Beth Williams is our new environmental officer working in Public Works!

Current activities

- Buying and Bidding truck equipment
- Need permission to go out on bid for trucks (not on state bid list)

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Councilmember Ford left the dais at 6:16 p.m. and returned to the dais at 6:18 p.m.

Councilmember Quinn mentioned a citizen who lives in an apartment complex and being charged for garbage. Mayor Kant stated that any person with an electric meter gets charged a garbage fee because they are creating some type of waste.

Councilmember Kingrea mentioned the price of gas is going up this month.

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Councilmember Stankoski brought up Magnolia Beach and the erosion at Tatumville Gulley.

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution supporting Community Gardens in Fairhope. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

RESOLUTION NO. 1605-10

Resolution to Support Community Gardens in Fairhope

WHEREAS, locally grown food will provide more nutritious food for Fairhope residents and healthful recreation for gardeners; and

WHEREAS, many Fairhope residents do not have suitable space for home garden sites; and

WHEREAS, community gardens in Fairhope will provide opportunities and incentives for residents to grow fruit, vegetables and herbs; and

WHEREAS, participation in community gardens will enhance community spirit and horticultural knowledge of Fairhope residents, in addition to making available healthy, affordable food; and

WHEREAS, the National Recreation and Park Association endorses the inclusion of community gardens in park and recreation programs,

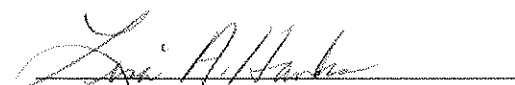
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA that The Fairhope City Council supports the establishment of community gardens on City land.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, this 11th day of January, 2010.



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, City Clerk

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Council President Mixon stated that the resolution supporting Community Gardens at Stimpson Field needs more discussion and would like for it to be deferred to the January 25, 2010 Work Session. Councilmember Kingrea moved to defer the resolution to the January 25, 2010 Work Session. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution establishing a Volunteer Service Application Procedure and Volunteer Application for Appointment. The motion was seconded by Councilmember Kingrea.

Councilmember Ford questioned the appointing authority and stated it should be named; and asked about the word township in the application. City Administrator Gregg Mims replied that the Planning Commission is appointed by the Mayor based on the Code of Alabama and other committees and boards are appointed by the City Council. The appointing authority for each board, committee, and commission is specified in statutes, ordinances and resolutions. Mr. Mims stated, "Lisa and I worked on this procedure and looked at several examples from other cities."

After further discussion, Councilmember Ford moved to amend the Volunteer Service Application Procedure by deleting the word "township" from section 5. Application for Citizen Service, subsection e. to read Board, commission, and/or committee being sought. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Council President Mixon stated we have the initial motion on the floor for the adoption of a resolution establishing a Volunteer Service Application Procedure and Volunteer Application for Appointment with the approved procedure amendment deleting the word "township" as stated above and seconded, motion passed unanimously by voice vote.

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RESOLUTION NO. 1606-10

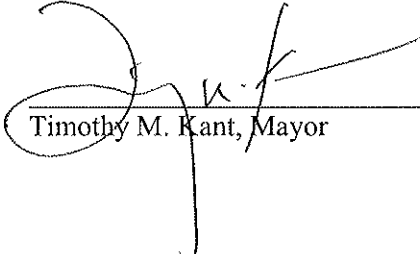
WHEREAS, the City Council has previously created municipal boards, commissions, and/or committees either by statutory law or by ordinance or resolution; and

WHEREAS, the appointing authority is given to the official or body by virtue of statutory law or by ordinance or resolution; and

WHEREAS, The City Council is desiring to initiate a Volunteer Service Application Procedure to provide residents of the City of Fairhope with information concerning the various vacancies for appointed municipal boards, commissions, and/or committees, a procedure whereby citizens can indicate his or her desire to serve on a particular board, commission, and/or committee, and for a notification process so that those citizens who have indicated a desire to hold a position will be notified when a vacancy occurs on any board, commission and/or committee; and

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, there is hereby established a Volunteer Service Application Procedure and Volunteer Application for Appointment as presented and on file in the Office of the City Clerk, a copy of which is attached hereto as Exhibit "A."

Adopted on this 11th day of January, 2010


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, City Clerk

Council President Mixon stated this was an in-house clean up for the bid laws. Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution establishing a procedure regarding expenditures. The motion was seconded by Councilmember Quinn.

Councilmember Quinn questioned the limit and asked if the \$7,500 limit was going to still be in place or was this resolution replacing that limit. She also questioned the first paragraph and wanted to know if the City Council would still vote on the accounts payables. Council President Mixon replied a monthly report would be given to Councilmembers as required by law.

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After further discussion, Councilmember Kingrea moved to amend the resolution from stating "up to the State of Alabama Bid Law Limit" to stating "up to \$7,500.00 or the budgeted amount whichever is less." Seconded by Councilmember Stankoski, motion passed by the following voice votes: AYE – Stankoski, Mixon, Ford, and Kingrea. NAY – Quinn.

RESOLUTION NO. 1607-10

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the following procedure is hereby established for expenditures:

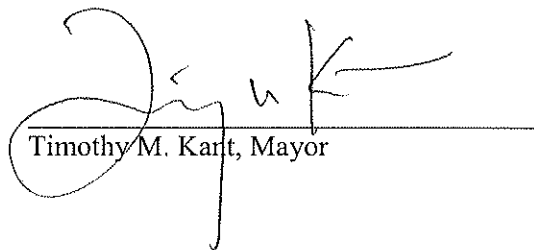
City invoices will continue being paid on a weekly basis, in order to take advantage of any available discounts, and to more nearly match the outflow of cash to the receipt of revenue from the three utility billing cycles. A monthly report will be given to the Councilmembers at the beginning of each month reporting all invoices paid during the prior month.

The City of Fairhope Administration has the authority to spend on any operational **budgeted** item up to \$7,500.00 or the budgeted amount whichever is less. Any purchase order over \$1,000.00 dollars requires the signature of at least two of following members of the City's Executive Staff (City Administrator, City Treasurer, and General Superintendent).

Any **budgeted** capital item may be bid with the approval of the Mayor, City Administrator, and City Treasurer. After the bids are received, the Purchasing Manager shall forward to the City Council a report and recommendation concerning the award of each bid. The City Council will review the report and adopt a resolution rendering a decision.

The following resolutions are hereby repealed: Resolution No. 822-02 adopted on March 14, 2002, Resolution No. 1006-04 adopted on February 4, 2004, Resolution No. 1301-06 adopted on July 24, 2006, and Resolution No. 1488-09 adopted by the governing body on January 26, 2009.

Adopted on this 11th day of January, 2010


 Timothy M. Kart, Mayor

Attest:


 Lisa A. Hanks, City Clerk

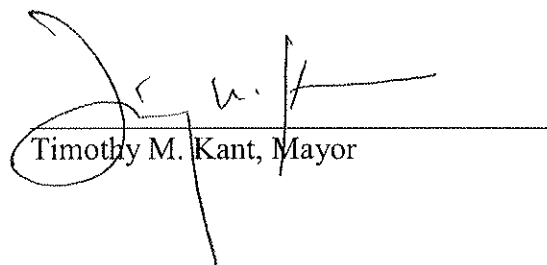
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Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a contract with Ira W. Harvey to perform a Feasibility Study. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 1608-10

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute a contract with Ira W. Harvey, Ed.D. to perform a Study of the Financial Feasibility of a Separate City School System for Fairhope, Alabama ("Feasibility Study"). The fee for conducting this study is twenty-five thousand dollars (\$25,000.00).

DULY ADOPTED THIS 11TH DAY OF JANUARY, 2010



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, City Clerk

Councilmember Quinn mentioned that Dr. Harvey wants a committee to discuss the issues. Council President Mixon replied this is just a study.

Councilmember Quinn introduced in writing an Ordinance to Amend Ordinance No. 1255 known as the Personnel Rules, Policies and Procedures Ordinance. In order to take immediate action Councilmember Quinn moved for immediate consideration. After further discussion, Councilmember Kingrea seconded the motion for immediate consideration, motion failed for lack of a unanimous vote. This ordinance will layover for final adoption at the next regular City Council meeting.

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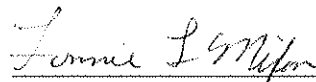
Councilmember Quinn introduced in writing Ordinance No. 1405, an Ordinance to Protect the Health, Safety and General Welfare of the People, declaring a Moratorium of the Enforcement of the Hours of Sale of Alcohol. In order to take immediate action, Councilmember Kingrea moved for immediate consideration. 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. 1405. Seconded by Councilmember Kingrea, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford and Kingrea. NAY – None.

Council President Mixon stated that no action was required on Agenda Item Number 14 and asked if anyone wanted to speak under Public Participation.

Kristie Street, 17750 Greeno Road, addressed the City Council and requested to be on the committee for the Feasibility Study with Dr. Harvey. Councilmember Quinn replied you are first on my list.

Willie Williams, 17420 Confederate Rest Road, addressed the City Council and invited them to the Martin Luther King, Jr. Celebration on Monday, January 18, 2010 at 10:30 a.m. The march will begin at the intersection of Young and Morphy streets and will end at the Fairhope Civic Center. Keshhia Peyton, morning anchor for WKRG-News Five, will be the keynote speaker for the program following the march.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:47 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, City Clerk