

STATE OF ALABAMA            )(  
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 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 August, 2009.

Present were Council President Debbie W. Quinn, Councilmembers: Daniel Stankoski, Lonnie L. Mixon, 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 Quinn called the meeting to order. The invocation was given by City Attorney Marion E. Wynne and the Pledge of Allegiance was recited. Councilmember Mixon moved to approve minutes of the 27 July 2009, regular meeting. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Council President Quinn announced that they needed to amend the agenda by adding on the following items: Baldwin County Sewer Service, a proposed bid for the Water & Sewer Department under Department Heads, and the Eastern Shore Chamber of Commerce under the Finance Committee.

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

Sherry Sullivan made the following announcement:

- Quail Creek Golf Pro Shop – Tent Sale on Friday and Saturday from 7:00 a.m. to 6:00 p.m.

David Conner, attorney for Baldwin County Sewer Service (“BCSS”), addressed the City Council and discussed the extension of sewer lines. He mentioned these discussions began back in December with BCSS wanting to purchase the City of Fairhope’s sewer service. Mr. Conner requested that the City of Fairhope stop installation of lines to Key Allegro and amend their settlement agreement.

Councilmember Mixon said he was glad Mr. Conner was concerned with our finances and the only reason Mr. Conner was here is due to the business you are trying to purchase for BCSS. Mr. Conner told the City Council that they could not make a decision tonight if you wanted to or not. BCSS cannot wait two weeks and if the lines go into Key Allegro, we are finished. Councilmember Ford said to Mr. Conner, you are aggressive and we as City Council have to be aggressive for future growth; and look out for Fairhope’s future.

10 August 2009

City Administrator Gregg Mims said he gave the figures for the sewer lines in question at the last City Council meeting which are in the minutes and those were approved. Council President Quinn said she had a problem with Key Allegro and running lines four miles extra in order to get to Key Allegro.

Councilmember Stankoski mentioned we provide a great deal of services and do not charge our citizens. He stated from the start, I have not been interested in selling the sewer system and want to have control over our environment. Our Utilities make money for the City; and in the long run will be cost effective and will pay for itself. Councilmember Ford mentioned we run lines outside our City limits and customer like us.

Mayor Kant addressed the City Council and mentioned the following items:

- (1) Accessory Dwelling Units - would allow 900 square foot rentals on properties zoned R-1, R-2, or R-3. He wanted the City Council to be aware of this upcoming discussion.
- (2) Museum issues with statue and remaining balance due the artist.
- (3) Dog Park has been completely funded.
- (4) Sewer System - reiterated the costs were on page 1, last paragraph in the minutes from the last City Council meeting. The citizens are going to win. We are working on the ordinances, will have a work session for discussion, and will need to go into Executive Session to discuss competitive issues.
- (5) Two Hour Parking Signs were put up prior to Mayor Nix. Businesses need to compete with each other. The signs will be taken down beginning sometime this week.

Councilmember Stankoski asked Mayor Kant who commissioned the statue. Mayor Kant replied he was working with Fairhope Single Tax to straighten out this issue. Councilmember Ford mentioned he went to the meeting with the Downtown Merchants. He said seventy percent want to do away with the parking signs and police themselves.

Councilmember Mixon moved to grant the request of Council President Quinn requesting approval for reimbursement for miles traveled to Montgomery to attend the Alabama League of Municipalities Committee meeting. Seconded by Councilmember Stankoski, motion passed by the following voice votes: AYE – Stankoski, Mixon, Ford, and Kingrea. NAY – None. ABSTAIN – Quinn.

Council President Quinn asked about the project with the Manley Road sidewalk. City Administrator Mims replied it was finished Friday.

10 August 2009

Dan McCrory, Water and Sewer Supervisor, first explained the electrical short that happened at the Water and Sewer Treatment Plant which caused 300,000 gallons of sewage in the Mobile Bay. Mr. McCrory said this was not raw sewage, but the last step in the treatment process was affected. This meant the sewage was treated just not disinfected. Then, Mr. McCrory went over Preliminary Financial Request No. 09-002 for equipment for monitoring compliance of drinking water wells with EPA Ground Water Rules. Councilmember Mixon moved to approve Preliminary Financial Request No. 09-002 for going out on bid. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Mixon discussed the Blueprint for Tomorrow contract and the resolution passed in 2006 which paid \$175,000 over a 5-year period. He stated the Strategic Planning Steering Committee is the City's Blueprint for Tomorrow. The City has had a hiring freeze, halted the Employee Education Assistance Plan, and had to pass a two percent sales tax. He also mentioned the contract could be cancelled at any time. After further discussion, Councilmember Mixon moved to cancel the Blueprint for Tomorrow with the Eastern Shore Chamber of Commerce. Darrelyn Bender, President of the Eastern Shore Chamber of Commerce, addressed the City Council and gave a brief report on Blueprint for Tomorrow and its accomplishments. Motion died for lack of a second.

Council President Quinn announced that Item 8. A. are the minutes from Special Boards and Commissions being presented and reviewed by the City Council:

A. Christmas Parade Committee

Review minutes from meeting held July 22, 2009

Council President Quinn mentioned the need for a Councilmember to be on the Christmas Parade Committee. Mayor Kant volunteered to be on the committee and Council President Quinn said she would attend if needed.

Councilmember Ford moved to reappoint Thelma Todd and appoint Catherine King to the Fairhope Museum Advisory Board. The term will end August 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 authorizing Mayor Kant to write a letter to DHS/FEMA, Grant Programs Directorate, in support of the Fairhope Volunteer Fire Department for construction of a new fire station. Councilmember Mixon asked; when was the fire station approved. Jonathan Smith, Planning & Building Director, stated on August 3, 2009 the location was approved by the Planning and Zoning Commission per the Code of Alabama, Section 11-52-11. Councilmember Ford asked if there were other sites suggested or looked at. Mr. Smith replied; not that I am aware of.

10 August 2009

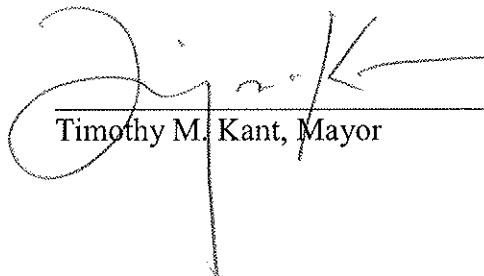
Dan McCrory said the ISO requires a neutral site and approved this site; and the Fire Department has been looking for over 10 years for a neutral site. Mr. McCrory mentioned they had looked at one other site, but the seller wanted approximately \$400,000 for the property.

Council President Quinn allowed Paul Ripp, 22985 High Ridge Road which is off Parker Road, to speak at this time. Mr. Ripp addressed the City Council and stated that in 2006 there was opposition to site being developed. The Fire Department mentioned to go on the out parcels. There is no right of way and no street access. The ultimate goal is connectivity. Dan McCrory stated that the sirens would not be turned on until they are at Highway 98 whether they are leaving or coming back to the fire station. After further discussion, Councilmember Stankoski seconded the motion to authorize Mayor Kant to write the letter to DHS/FEMA, motioned passed by the following voice votes: AYE – Quinn, Mixon, Ford, and Kingrea. NAY – None. ABSTAIN – Stankoski.

**RESOLUTION NO. 1549-09**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Timothy M. Kant is hereby authorized to write a letter to DHS/FEMA, Grant Programs Directorate, in support of the Fairhope Volunteer Fire Department applying for Assistance to Firefighters Support Grant for construction of a new fire station.

DULY ADOPTED THIS 10TH DAY OF AUGUST, 2009

  
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 Timothy M. Kant, Mayor

Attest:

  
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 Lisa A. Hanks, City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution stating that the City of Fairhope will work together with the cities of Daphne and Spanish Fort to solve common issues. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

10 August 2009

**RESOLUTION NO. 1550-09**

State of Alabama  
Cities of Daphne, Fairhope & Spanish Fort

**WHEREAS**, in recognition that the cities of Daphne, Fairhope and Spanish Fort share many common issues as well as a unifying interest in the continued health and prosperity of the region that makes up the Eastern Shore of Mobile Bay, Alabama; and

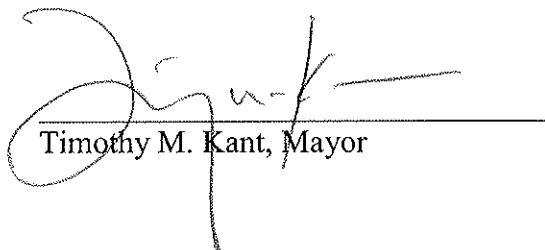
**WHEREAS**, the three cities realize that with a Spirit of Cooperation, the many voices we have can reach a wider audience if spoken as one; and

**WHEREAS**, in recognition of the Spirit of Cooperation, the three cities of Daphne, Fairhope and Spanish Fort unite together with the Baldwin County Commission and the Eastern Shore Chamber of Commerce; and

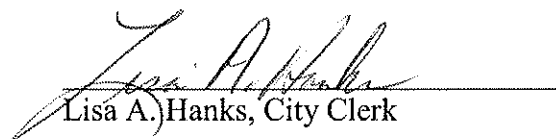
**WHEREAS**, in the Spirit of Cooperation the three cities of Daphne, Fairhope and Spanish Fort unite in their efforts to secure state, federal, and other funding sources, especially in regards to environmental and transportation/infrastructure concerns along the Eastern Shore:

**NOW THEREFORE, BE IT HEREBY RESOLVED**, on this 10th day of August, 2009, that we, the elected officials of the City of Fairhope pledge to work with the cities of Daphne and Spanish Fort to solve common issues.

Adopted on this 10th day of August, 2009

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

Attest:

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

10 August 2009

Councilmember Stankoski introduced in writing Ordinance No. 1398, an Ordinance to repeal and replace Ordinance No. 1000 known as the Fairhope Erosion and Sediment Control Ordinance. Kim Burmeister, Code Enforcement, explained the addition of critical areas to definitions and permit fees. In order to take immediate action, Councilmember Mixon moved for immediate consideration. Seconded by Councilmember Ford, 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. 1398. Seconded by Councilmember Mixon, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY – None.

Megan Bossard addressed the City Council requesting permission to set up a commissary cart down at the pier from 10:00 a.m. until 2:00 p.m. Monday through Friday. Ms. Bossard said this would be a hot dog cart. City Attorney Wynne read the agreement terms. Councilmember Mixon moved to grant the request of Megan Bossard and Jason Gandy. Councilmember Kingrea seconded the motion, but state he had a problem with private business on City property; public parks being used for private enterprise. We need to put everyone through the exact same process. Councilmember Mixon asked about the procedure from the last City Council meeting. City Administrator Mims said he did not see any reason for the Chief of Police to sign off on this agreement. Chief Press replied that he did not have a problem with the hot dog cart. After further discussion, the motion passed by the following voice votes: AYE – Quinn, Mixon, Ford, and Kingrea. NAY – Stankoski.

Council President Quinn asked for Jason Colee, IT Director, to explain the cost and procedure for taping the meetings. She also asked City Clerk Lisa Hanks to discuss the retention of the tapes. Jason Colee addressed the City Council and stated that a tape recorder had been purchased for approximately \$100.00. There will be no tapes or disks because this records digitally. Ms. Hanks explained the retention policy, per the Alabama Department of Archives and History, was once the minutes were approved the tapes could be erased. If the City Council decides to put a specific amount of time on keeping the tapes, i.e. six months or one year, the tapes become public record once the minutes are approved and remain public until erased at the specified time. Councilmember Kingrea moved to record the meetings and the recording kept for one year. Motion died for lack of a second.

Joe Birindelli addressed the City Council and requested the City of Fairhope to support and serve as a sponsor for the Veterans Day Parade which is scheduled for November 7, 2009 at 10:00 a.m. Councilmember Ford moved to grant the request of Joe Birindelli requesting the City of Fairhope to support and serve as a sponsor for the Veterans Day Parade. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

10 August 2009

Tiffany Henry, 426 Patlynn Drive, addressed the City Council, as a concerned parent at Bayshore Christian School in Fairhope, and discussed the issues regarding the traffic. Chief Press stated his department is currently looking at this issue. Councilmember Kingrea asked; how long do you think the study will take. Chief Press replied there are several options we can look at and said he could meet with Ms. Henry after the meeting.

Councilmember Mixon moved to pay bills as presented. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Chris Toney, 505 Myrtle, addressed the City Council regarding the franchise agreements. He said the City needs rules where these vendors show up and the Chief of Police should do a check.

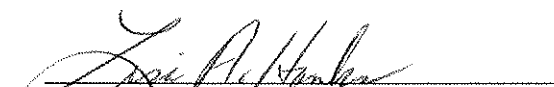
Councilmember Mixon moved to adjourn the meeting. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:36 p.m.



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Debbie W. Quinn, Council President



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Lisa A. Hanks, City Clerk