

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 January 2009.

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

There being a quorum present, Council President Quinn called the meeting to order. The invocation was given by George Yeend, Deacon at St. Lawrence Catholic Church and the Pledge of Allegiance was recited. Councilmember Kingrea moved to approve minutes of the January 12, 2009, regular meeting. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

Sherry Sullivan made the following announcements:

- South Alabama Public Power Week
- Mardi Gras Parades and 25 years of celebrating
- Celebrate Arbor Day on Saturday, February 28, 2009 from 9:00 a.m. to Noon

Council President Quinn announced that the MOJs will be celebrating 25 years and will have the Budweiser Clydesdales in Fairhope.

After being appointed at the January 12, 2009 Special City Council meeting, Haymes Snedeker and Terry Sanders prepared to take their Oath of Office.

The Honorable James H. Reid, Circuit Judge, 28th Judicial Circuit of the State of Alabama, then gave the Oath of Office to Haymes Snedeker as Municipal Judge and Terry Sanders as Interim Chief of Police. (Signed Oaths inserted at end of these minutes.)

Ilse Krick, Director of Fairhope Public Library, addressed the City Council and gave a report on the library being a part of the Alabama Public Library Service and Governor Riley’s Connecting Families Project, which will put computers with broadband capabilities in public libraries across the state and allow the families of servicemen and servicewomen overseas to better communicate with their far-off loved ones.

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The project is being done in conjunction with the Alabama Broadband Initiative, which Riley launched in May to ensure that all Alabamians have access to high-speed Internet. The initiative is also focused on increasing communities' use of broadband to enhance their healthcare systems, education, public libraries, public safety, local government and more. Ms. Krick stated that the library had received a grant from Bill and Melinda Gates to help with the web cam service for military families. She also mentioned their fundraiser "Chocolate and Champagne" on February 7, 2009.

Councilmember Ford left and immediately returned to the dais at 6:08 p.m.

A Public Hearing was held as advertised on the request for a Lounge Liquor License by Robert Malone Hays, Jr., M.Y. Place, LLC, d/b/a My Place Downtown, located at 68 North Bancroft, Fairhope, Alabama. The public hearing was opened at 6:10 p.m. and closed at 6:11 p.m. No one present was opposed to the Lounge Liquor License. Councilmember Mixon moved to approve the issuance of the license. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Rose Fogarty, Finance Director, and Nancy Wilson, City Treasurer, presented the following PowerPoint presentation no action was taken by City Council.

**CITY OF FAIRHOPE
CITY COUNCIL MEETING
JANUARY 26, 2009**

**SUMMARY
FINANCIAL REPORTS
THREE MONTHS ENDED
12/31/2008**

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<u>GENERAL FUND</u>					
	DEC.	DEC.	YTD	YTD	YTD
	2008	2007	THREE	THREE	INCREASE
			MONTHS	MONTHS	(DECREASE)
REVENUES	867,283	1,534,027	3,208,791	3,704,065	(495,274)
EXPENSES	1,879,146	1,423,029	5,428,072	4,100,097	1,327,975
EXCESS REV. OVER (UNDER)EXP.	(1,011,862)	(110,998)	(2,219,281)	(396,032)	(1,823,249)

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GAS FUND

	DEC. 2008	DEC. 2007	YTD 12/31/08 THREE MONTHS	YTD 12/31/07 THREE MONTHS	YTD INCREASE (DECREASE)
REVENUES	1,032,586	691,677	2,253,531	1,501,974	751,557
COST OF ENERGY	439,822	404,828	1,087,816	927,757	160,059
EXPENSES	274,324	284,979	853,177	813,583	39,594
EXCESS REV. OVER (UNDER)EXP.	318,439	2,070	312,537	(239,366)	551,904

ELECTRIC FUND

	DEC. 2008	DEC. 2007	YTD 12/31/08 THREE MONTHS	YTD 12/31/07 THREE MONTHS	YTD INCREASE (DECREASE)
REVENUES	1,355,920	1,246,388	4,528,710	4,119,648	409,062
COST OF ENERGY	803,091	671,792	2,398,283	2,083,908	314,375
EXPENSES	468,629	480,177	1,455,023	1,399,187	55,836
EXCESS REV. OVER (UNDER)EXP.	84,228	94,417	675,404	637,553	37,851

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WATER FUND

	DEC. 2008	DEC. 2007	YTD 12/31/08 THREE MONTHS	YTD 12/31/07 THREE MONTHS	YTD INCREASE (DECREASE)
REVENUES	568,765	649,176	1,781,290	2,274,263	(492,973)
COST OF ENERGY	50,863	55,119	170,359	156,662	13,697
EXPENSES	674,590	685,606	1,962,006	1,803,052	158,944
EXCESS REV. OVER (UNDER)EXP.	(156,489)	(91,551)	(351,075)	314,538	(665,614)

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ALL FUNDS

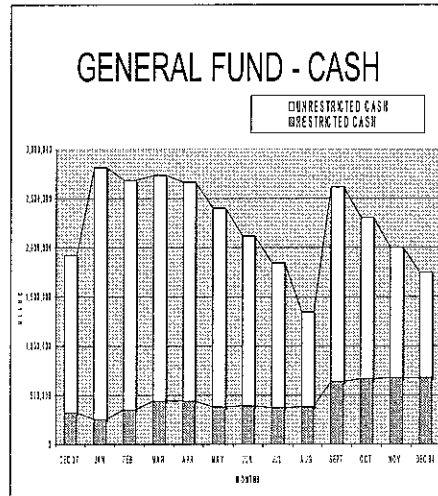
	DEC. 2008	DEC. 2007	YTD 12/31/08 THREE MONTHS	YTD 12/31/07 THREE MONTHS	YTD INCREASE (DECREASE)
REVENUES	3,824,554	4,121,268	11,772,322	11,599,950	172,372
EXPENSES	4,680,236	4,005,330	13,354,736	11,283,256	2,071,480
EXCESS REV. OVER (UNDER)EXP.	(766,681)	115,938	(1,582,414)	316,694	

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CASH BALANCES

	BALANCE @ 12/31/2008	BALANCE @ 11/30/2008	BALANCE @ 12/31/2007
GENERAL FUND	1,748,119	1,999,720	1,921,719
GAS FUND	316,482	329,856	601,576
ELECTRIC FUND	1,364,583	1,656,364	1,806,281
WATER FUND	2,921,027	3,708,418	4,012,475
GAS TAX FUND	71,141	79,868	331,475
CAPITAL PROJECTS	1,038,530	1,305,416	3,794,255
CAP PROJ-LIBRARY	1	1	35,056
TOTALS	7,507,882	9,079,643	12,502,837
LESS WARRANTS	(1,119,475)	(1,117,552)	(4,133,591)
LESS SINKING	(1,432,897)	(2,313,884)	(1,448,242)
CASH AVAILABLE	4,955,510	5,648,207	6,919,004

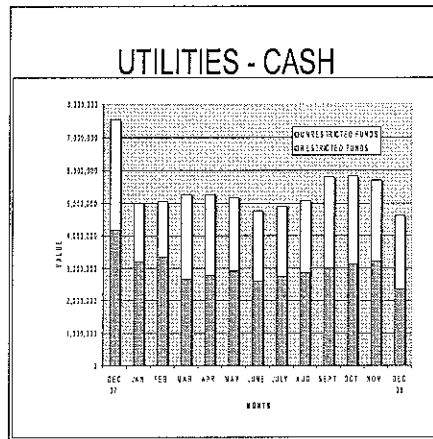
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Councilmember Mixon asked Rose Fogarty to explain grant money and the Golf Fund. Council President Quinn mentioned that the Golf Fund was only down \$36,000 and other items skew the total shown. Councilmember Mixon also asked Ms. Fogarty to explain the City's expenses. Ms. Fogarty explained in detail the grants, Golf Fund, and City expenses.

Councilmember Mixon commented that he heard the City's emergency fund should have at least two months set aside which would be approximately \$8 million. He asked; what do we have in the account. Nancy Wilson replied the Reserve Fund has approximately \$2.5 million unrestricted funds. Councilmember Stankoski stated there is a trend of diminishing funds available. We need to make some hard decisions in the future on revenues and expenses. Ms. Wilson responded there are significant differences and hard decisions will have to be made.

Council President Quinn said that Agenda Item 4. A. contains minutes from The Finance Committee and/or Work Session being presented and reviewed by the City Council: Minutes from meeting held January 12, 2009.

Council President Quinn said that Agenda Item 5. A. contains minutes from The Finance Airport Authority being presented and reviewed by the City Council: Minutes from meeting held December 16, 2008.

Jim Wilmoth, President of the Downtown Merchants Association, addressed the City Council and gave an update for the new brochure. He stated they were expanding and updating the maps and the brochure. They have working diligently with Sherry Sullivan and Alex Robinson. We are asking for your financial and moral support. The City Council was shown samples of brochures, maps, magazines, etc. We will combine our efforts and resources to make a brochure the City will be proud of. The estimated cost for publication and distribution is \$20,000.

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Mr. Wilmoth stated that the new brochure would be posted on the City of Fairhope's website, and with the help of COPA and the Fairhope Single Tax Corporation as sponsors, we may be able to distribute brochures from the Alabama Welcome Centers. Sherry Sullivan said the City had been producing its tourism brochure separately and collaboration will be great. She reiterated that they were trying to market the brochures to the State Welcome Centers. We have \$10,000 budgeted for our tourism brochure with limited distribution. Mr. Wilmoth mentioned they would probably be using Post Mark who is a local vendor and highly recommended by the Grand Hotel. We are looking at the first week in March to be completed with the brochure.

Ms. Sullivan said there is \$7,000 to \$8,000 left over from the budgeted \$10,000. Councilmember Mixon stated that Mayor Kant suggested canceling the summer edition of City Sketches and use part of the money for the new brochure. Ms. Sullivan said she and Alex had been working on the copy and layout of the brochure to help cut costs, and if we forego the summer edition of City Sketches along with the remainder of the budgeted brochure money, we would have around \$22,000. Ms. Sullivan suggested donating \$10,000 to the collaboration with the Downtown Merchants Association and the City will still have a balance of approximately \$12,000. She said it better to support on the higher end and help on the distribution of the brochures.

Councilmember Mixon moved to cancel the summer edition of City Sketches and authorize donating \$10,000 for the joint effort with the Downtown Merchants Association for the new brochure. Seconded by Councilmember Kingrea and commenting he had a problem with the City giving more than the merchants. Ms. Sullivan replied we will get the bang for the buck. Mr. Wilmoth said the merchants are a major partner, very committed, and want the community to be unified.

Council President Quinn mentioned that the downtown merchants were giving around \$6,000 and the Fairhope Single Tax Corporation, which is a downtown merchant, is giving another \$5,000 which will give a total of around \$11,000 for the merchants. Councilmember Ford asked; bottom-line is \$10,000. Ms. Sullivan replied yes you can cap it. Councilmember Stankoski stated this is a good trade for foregoing City Sketches, it is creative, and is a win-win situation. After further discussion, the motion passed unanimously by voice vote.

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

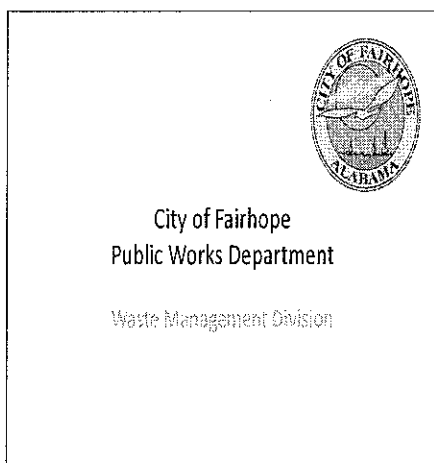
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Councilmember Stankoski moved to appoint and approve the following people to the newly formed Chief of Police Search Committee: Robert B. Callahan, Jr., Pam Caudill, Valerie Chaney, Mayor Tim Kant, Vann Saltz, Councilmember Stankoski, Rick Wilson, and Rhonda White as HR advisory. Councilmember Stankoski stated that this was a well-balance committee with people from Federal and local government, as well as, old and new residents of Fairhope. He went on to thank Chief Comalander for his work and told Terry Sanders good luck as we go through this transition. After further discussion, Councilmember Mixon seconded the motion to appoint and approve the above mentioned people for the Chief of Police Search Committee. The motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – None. ABSTAIN – Ford.

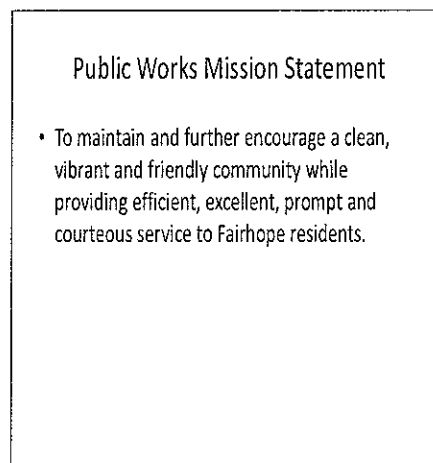
Councilmember Ford commented that the principal asked to be on the committee and her name is not on the list. Councilmember Stankoski responded that Callahan was on the Baldwin County School Board and we have a balanced committee.

Council President stated that the City Council needs to approve the 2009 Schedule for Regular City Council Meetings. City Clerk Lisa Hanks affirmed that the 2009 Schedule was e-mailed to all Councilmembers and the Mayor for review and any date conflicts were resolved. Councilmember Kingrea moved to approve the 2009 Schedule for Regular City Council Meetings. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Jennifer Fidler, Public Works Director, presented the following PowerPoint presentation no action was taken by City Council.



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26 January 2009

Public Works Goals

- Return phone calls to citizens daily
- Waste Division:
 - Pick up garbage two times a week on route days. Pick up Trash one time a week on route days. Pick up recycling one time a week on route days. Transfer garbage to landfill, Monday, Tuesday, Wednesday, Thursday and Friday. Keep landfill open daily. Pick up garbage, trash and recycling requests the day the citizen called in, if by 3:00 PM (if missed).

Definitions of COF Sanitation Division

- **Garbage:** All household waste including discarded food, animal and vegetable matter, small electronics and small debris.
- **Trash:** All trash including yard waste and bulk items. Yard waste consists of leaves, trimmings, limbs, straw, and grass clippings. Bulk waste consists of white goods (such as refrigerators and washers/dryers), furniture, bicycles, tires, do-it-yourself construction debris or other bulky items.
- **Recycling:** The diversion of materials from the solid waste stream and the beneficial reuse of such materials. Such items include paper, cardboard, plastic jugs, glass food and beverage containers, aluminum cans and steel cans.
- **C & D Material:** Material consists of the debris generated during the construction, renovation, and demolition of buildings, roads, and bridges. C & D materials often contain bulky, heavy materials, such as concrete, wood, metals, glass, and salvaged building components.

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Overview: Our Current Waste Management Services

- Garbage collection twice weekly
- Recycling collection weekly, except holidays
- Trash (bulk waste, yard waste) collection weekly



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History of COF waste management

- Since 1989 the City of Fairhope has provided garbage service for the residents of Fairhope twice weekly. Garbage pickup starting at 1 am has been occurring prior to the city offering services.
- Trash service, once weekly, began in 1989 in an effort to keep the city clean and vibrant.
- Recycling services began in 1991 abiding by federal law to cut back on waste disposal.

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Automation Timeline

- Phase I: Decided on automation, purchased necessary equipment, fall 2005
- Phase II: Implement automation, March 2006
- Phase III: Change recycling routes to encourage residents to put out garbage and recycle on same day, Fall 2006
- Phase IV: Decide on once a week, rate increases

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Updates

- 39% of injuries in Public Works were from the garbage division (51 out of 131 from 1999- 2005). Overexertion and lifting were the biggest cause of these accidents
Workman's Comp Claims.
 - Year 01- 05 average / year 27, 830.80
 - Yrs 06-09 total +/- 500.00

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Updates, cont.

- Act Number 200-151: Collection fee for waste disposal
 - Was passed in 2008 Legislative Session and signed by the Governor on April 15, 2008.
 - Effective October 1, 2008
 - The act provides for the collection and payment of solid waste disposal fees by solid waste management facilities that have been issued a permit by the Alabama Department of Environmental Management (ADEM).
 - The act also provides that the owner or operator shall certify the volumes of solid waste received for disposal and collect/remits the fees to the Alabama Department of Revenue (ADOR) on a quarterly basis. \$1.00 per ton for all waste disposed of in a municipal solid waste landfill and \$1.00/ton or \$0.25 per cubic yard for all waste disposed of in C and D landfills.
 - 25% of fees collected are set aside and available for recycling grants.

Phase IV: Automation

- After looking at real numbers for the cost of garbage collection, council decides to go to once a week garbage or keep it at twice per week.
- Council decides: if once a week is chosen, will we have an option for residents to keep twice per week at an increased rate?
- Council looks at rates and decides whether or not to go up or down on rates for different sized containers.


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Goals for upcoming years

- Make the transition to transfer C & D material away from the Fairhope site, building the transfer site
- Close our landfill, per ADEM regulations
- Change and strengthen city ordinances regarding trash disposal
- Decide upon rates, and collection schedule for waste

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Waste Management Equip Utilized




- (1) Backhoe
- (1) Transfer Truck (18 wheeler type)
- (1) Bull Dozier
- (4) Automated Garbage trucks
- (1) Backdoor service (mini) garbage truck
- (3) Recycling Trucks
- (1) Forklift
- (1) Skid steer
- (4) Trash (boom) trucks
- (1) Leaf Machine

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Additional Equipment & Personnel Needed Currently

- (2) Replacement Trash Trucks
 - A minimum of 5 trucks need to be used to service residents efficiently.
- Transfer truck to haul C & D material to the McBride landfill
- (1) Trash Truck Driver



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Estimated Annual Costs

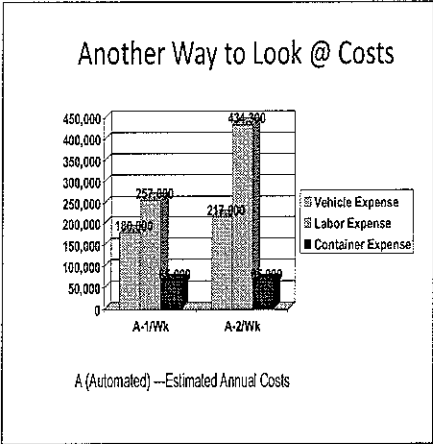


ITEM	Once/Wk Auto	2/Wk Auto
Veh. Amortization	90,000	107,000
Veh. Maintenance	90,000	110,000
Drivers (1 spare)	232,000	290,000
Helpers	N/a	90,000
W C claims & Ins.	25,000	54,300
Containers Amor.	65,000	65,000
TOTALS	502,000	716,300

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- ### Actions
- Grant available through ADEM regarding recycling needs, approval to apply
 - Council to decide to go to once a week garbage or keep it at twice a week.
 - Council to decide if rates should remain the same or go up or down for different sized containers.
 - Do we still give residents option for once a week or twice a week pickup at a different rate?
 - Note: If we go to once weekly collection, many residents will want a larger container. This may cost up to \$250,000 to provide.

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Ms. Fidler explained that 70% of all the garbage is limb and leaf debris and the remaining 30% is C & D materials. She suggested that the City update its ordinance for citizens to separate the garbage into these two types and issue fines for violations. Ms. Fidler said there would be a \$214,000 plus annual savings by going to once-a-week garbage pickup. However, there are over 4,000 garbage cans that may have to be replaced with a 96 gallon can which would cost around \$250,000. She said garbage touches every citizen in the City of Fairhope. Councilmember Ford asked; how many calls does your department get regarding services. Ms. Fidler replied that April Westervelt, Environmental Officer, received 20 calls today regarding garbage issues. Council President Quinn told Ms. Fidler when you bring back to City Council we would like to have a public hearing on the issue. Councilmember Kingrea said to bring back what each can cost and propose a rate increase for each.

Councilmember Quinn introduced in writing a resolution stating that the City of Fairhope will inform the National League of Cities of its intent to participate in the NLC Prescription Discount Card Program and will work with the NLC and CVS Caremark to implement the program to the benefit of the residents. Councilmember Ford moved for the adoption of the following resolution. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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RESOLUTION NO. 1487-09

WHEREAS, many citizens of the City of Fairhope are among the millions of Americans without health insurance or with limited prescription drug coverage, and;

WHEREAS, the National League of Cities, hereinafter referred to as NLC, is sponsoring a program in collaboration with CVS Caremark to provide relief to city residents around the country from the high cost of prescription drugs, and;

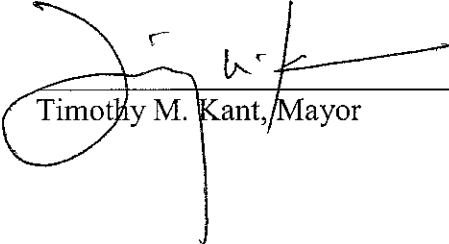
WHEREAS, NLC Prescription Discount Card Program will be available to member cities of NLC at no cost to those cities, and;

WHEREAS, CVS Caremark will provide participating cities with prescription discount cards, marketing materials and customer support, and;

WHEREAS, the discount cards offer an average savings of 20 percent off the retail price of most prescription drugs, has no enrollment form or membership fee, no restrictions based on the resident's age or income level, and may be used by city residents and their families any time their prescriptions are not covered by insurance, and;


BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope will inform the National League of Cities of its intent to participate in the NLC Prescription Discount Card Program and will work with NLC and CVS Caremark to implement the program to the benefit of the residents.

APPROVED THIS THE 26TH DAY JANUARY, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

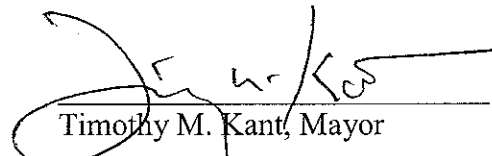
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Councilmember Mixon introduced in writing, and moved for the adoption of the following resolution and to increase the amount from \$500.00 to \$1,000.00, a resolution giving Mayor Kant discretionary spending of any non-budgeted expenditure up to \$1,000.00, and the Mayor and staff will clearly inform the City Council on any non-budgeted expenditure over the \$1,000.00 limit. Councilmember Ford asked if this resolution is a result from the boat and is it going to affect meetings. Council President Quinn responded the resolution relates to non-budgeted items. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1488-09


BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant has discretionary spending of any non-budgeted expenditure up to \$1,000.00, the Mayor and staff will clearly inform the City Council on any non-budgeted expenditure over the \$1,000.00 limit, and any expenditure over \$7,500.00 must first be presented to the Finance Committee for research and review before being submitted to the full City Council.

Adopted on this 26th day of January, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Mixon explained that the Ordinance authorizing the hiring of a City Manager was pulled from the agenda. He stated there are legal issues regarding the type of Government. We are working closely with the Mayor and should have a City Administrator by March.

Councilmember Ford stated we have a hiring freeze and how much are we talking about. He said the City Manager will need an office, secretary, car, etc. and the Mayor is already cutting \$1.7 million from the budget. He stated the Mayor runs the City and where are we going with this. He told the City Council they needed to think about it heavily.

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Council President Quinn responded that they were working closely with the Mayor. She said we want to keep politics out of running the City and the Mayor was favorable with this. Councilmember Stankoski stated that the Mayor is on board and we are working together on what is best for the City and citizens. Councilmember Ford said we are on a slippery slope here and then asked; "What is he going to do kiss babies and cut ribbons?" Council President Quinn said we need to move on with the meeting.

Page Pose, contact for Falls Creek, addressed the City Council requesting them to study and institute some kind of speed calming device at Falls Creek to keep our street safer due to the increasing speed and volume of traffic. Ms. Pose said there are 41 houses and 44 children under the age of 15 in Falls Creek. She said we need "no thru traffic" signs because vehicles are cutting through to Wal Mart going between 30 to 35 miles per hour. She said something needs to be done to slow the vehicles down such as speed tables. Council President Quinn responded that these items go to the Traffic Committee, Councilmember Kingrea is Chairman, for evaluation and usually a traffic study is done. Ms. Pose asked that the study be done for at least a week because a previous traffic study was done on Easter weekend with little results.

City Council reviewed an application for a Restaurant Liquor License by Bill Potts, WXP and Associates, Inc., d/b/a Marlys located at 19992 Highway 181, Fairhope, Alabama. Councilmember Mixon moved to approve the issuance of the license. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Dan Ames, Purchasing Manager, addressed the City Council and requested to have Bid No. 028-08, Wheel Loader with a three-year lease, rescinded. He stated that the current vendor has agreed to continue on a month-to-month basis at the same cost. After further discussion, Councilmember Ford moved to rescind Bid No. 028-08, Wheel Loader with a three-year lease. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

John H. Meyer, 126 Easton Circle, addressed the City Council and read the following document titled "The Future of our City":

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Good evening council members.

The future of our wonderful city is important to we the citizens of Fairhope—the community you have the opportunity to serve.

Ronald Reagan once said “Love your country, love your countrymen. I know you love our city and respect your fellow citizens.

These are the Citizens to whom you said, using your campaign words:

“We must be transparent with the intent/purpose of all committee work”

“Strategic planning will be the focus for long range planning for the future of Fairhope” “Planning is not just for next year but for years to come”

“We must involve a variety of our citizens in the future planning for our Community”

“We must venture out into the community by conducting our meetings in the various neighborhoods”

“We have many skilled candidates in this campaign who need to be involved in our work”

This evening I encourage you to act on those words.

Today our country is challenged to unite, serve, and value a “yes we can” philosophy.

I hope you will address the breath of all the challenges for the future of Fairhope with a “yes WE can”.

Strong council/weak mayor—although I believe a poor choice of words--- has as its intent that the leadership and decision making of government will be addressed through the consensus of several as opposed to one. I support the concept when strong means strong of character, strong of leadership, strong in professionalism.

As opposed to what some might say reflects the opposite of these attributes.

Leadership is about working together for common goals; let's not have our leadership focus on a divided Fairhope.

This evening, I challenge you take the strategic planning process, as a priority, beyond planning for the finances of the various branches of city government. There is no doubt that financial planning is extremely important at this time. But without an overriding, current, updated and aligned mission for our city, departments will struggle with their sense of purpose not having long term data to guide their mission. Future decisions need to be aligned with the city's comprehensive mission of where we are going and where we want to be

We all want a wonderful Fairhope but who defines that—the council or the community? As a certified strategic planner and having attended all planning meetings, in my opinion, this committee is struggling with the process. When a member of the committee considers rewriting the city's mission statement, I have concerns.

Department mission statements must be aligned with the city's mission statement which has not been reviewed for several years. Why are there not certified trained planners on that committee who reside in our community and can facilitate that process? Where are those skilled candidates serving on future growth and planning committees? Many current members of those committees are composed of the same folks who have served numerous times on previous committees. Where is the new blood? Where is the membership from the southeast quadrant of our community? Why has membership not been completed? When asked, the previous response has been we are doing just fine. Suddenly after months, the question may be address.

Tonight I also challenge you to bring council meetings into the community thus giving the message that you value community input and want to hear what citizens have to say about the future of their community. How do you know the pulse of our city unless you reach out and touch that pulse?

I require no verbal or written response. Rather I look forward to a demonstration of action to our citizens. Please, pay attention to closing stores, restaurants—trees being destroyed, traffic issues. You must plan for both tomorrow and especially for the future. Fairhope will only survive when voices are heard and actions are collaborative.

In closing, please consider---it is the leadership of a community, not confrontation that plants the seeds for the growth and blossoming of what a community becomes.

Paul in Corinthians said, “When I was a child, I spoke as a child, I understood as a child; I thought as a child; but when I became a man, I put away childish things

May your commitment to Fairhope be one of engagement and cognition for our community's success for citizens now and in the future.

1-26-2009

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Chris Warner, 115 Bonham Lane, addressed the City Council and stated that the City has an Access Ordinance for Highway 98 that was passed on March 11, 1998. The Publix accessway is in violation of this ordinance which states: Accessways upon Greeno Road (U. S. Highway 98) shall be located not nearer than 600 feet to other accessways and, where established shall, to the maximum extent practicable, align with accessways existing on the opposite side of the highway, within the corporate limits. He commented to the City Council; if someone is injured, can the City be sued. Then Mr. Warner told the City Council that the question he was here to ask was for the City Attorney. He turned to City Attorney Wynne and asked; will they be able to sue us when violating our rules? City Attorney Wynne replied that he could not give legal advice in public and he represented the City Council.

Council President Quinn said the ALDOT proposed the access and she would get with staff on the answer. Mr. Warner told the City Council that he cared deeply and this is why he was here tonight. He said this needs action with backbone and fortitude.

Calvin Hunt, Fairhope resident, addressed the City Council regarding two issues: The first issue is that we live in a city where you see abandoned houses in the area near Young Street (Kirkman Lane and Twin Beech Road). We need to stop dividing the City of Fairhope. This is a Tale of Two Cities: Fairhope and No Hope. We need to look at Young Street and give the same courtesy as the Fruit and Nut section. Mr. Hunt told the City Council to look around the room and you only see two blacks here tonight. He said that is because blacks do not feel they are a part of the City. The second issue is Chief Comalander and not being reappointed. Mr. Hunt said it is a community issue who selects the Chief of Police.

Paul Ripp, resident of High Ridge Road, addressed the City Council regarding the Publix project again. He said this is the 8th month since we began talking about Publix. Mr. Ripp said when you pass by Publix you can see all the equipment on the roof and all of this has been put in on the weekend. He said not one thing has been done that the landowners and developer said they would do. Council President Quinn verified with Councilmembers that all had received Mr. Ripp's Package. She had discussed with the City attorneys and was told not to discuss the Publix project in public. Councilmember Quinn told Mr. Ripp that she was not a planner or an engineer and had to go on what the experts reported. She was advised that the engineers had done everything that they said would be done. Jonathan Smith, Planning Director, said the landowner reduced the project to 12 acres instead of 55 acres of commercial buildings. Council President Quinn did say there was a discrepancy in the Planning & Zoning Ordinance and the Tree Ordinance. She said the Tree Committee worked with the Fairhope Environmental Advisory Board with the buffer zone.

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Council President Quinn addressed the City Council regarding ALDOT's right-of-way in front of Publix and the trees on it. She suggested the City Council making a motion that ALDOT has to talk with staff before cleaning right-of-ways. Councilmember Kingrea said the Tree Committee met and discussed the same items. He said that Jennifer Fidler and Paul Fontenot met with Regency Centers who is on notice regarding cutting trees.

Ron Allen, resident of the Fruit and Nut section, addressed the City Council stating we should have a public hearing for this issue and let the people talk and the developers respond. Council President Quinn and Jonathan Smith both said there have been several public hearings on this issue.

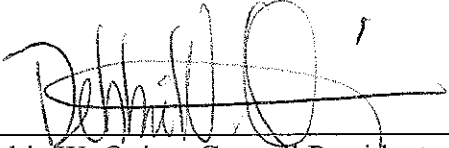
City Attorney Wynne stated that this is a PUD Ordinance and you must follow the rules of the PUD as approved. The planners and engineers can tell us if they are in compliance. He also said a PUD can be amended by the developer. Council President Quinn said according to staff they are in compliance.

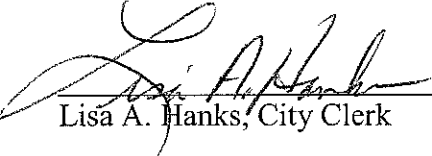
Beaman Bond, 517 Richmond Circle, addressed the City Council and said maybe things were approved by Planning & Zoning that should not have been. Council President responded a picture is going to be required when going before Planning & Zoning in the future.

Bobby Green, 415 Maple Street, addressed the City Council stating Vince Calametti from ALDOT told me that they would first go through Tree Committee before cutting any trees. Council President Quinn then stated she did not need the motion previously requesting ALDOT to contact staff before cleaning right-of-ways.

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 7:53 p.m.



Debbie W. Quinn, Council President

Lisa A. Hanks, City Clerk

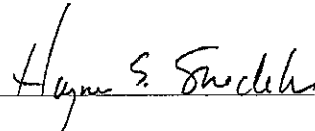
26 January 2009

OATH OF OFFICE**MUNICIPAL JUDGE**

STATE OF ALABAMA)
 :
 COUNTY OF BALDWIN)
 :
 CITY OF FAIRHOPE)

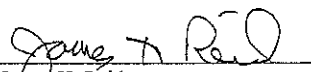
I HAYMES SNEDEKER, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office of Municipal Judge upon which I am about to enter, to the best of my ability, so help me God.

(Signed)



Sworn to and subscribed before me this 26th Day of January, 2009.

(Signed)


 James H. Reid
 Circuit Judge,
 28th Judicial Circuit
 State of Alabama


26 January 2009

OATH OF OFFICE

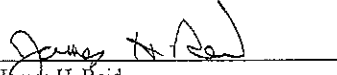
INTERIM CHIEF OF POLICE

STATE OF ALABAMA)
 :
COUNTY OF BALDWIN)
 :
CITY OF FAIRHOPE)

I TERRY SANDERS, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office of Interim Chief of Police upon which I am about to enter, to the best of my ability, so help me God.

(Signed) 

Sworn to and subscribed before me this 26th Day of January, 2009.

(Signed) 
James H. Reid
Circuit Judge,
28th Judicial Circuit
State of Alabama