

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, March 9, 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 George Yeend, Deacon at St. Lawrence Catholic Church, and the Pledge of Allegiance was recited. Councilmember Mixon moved to approve minutes of the February 26, 2009, regular meeting. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote. Councilmember Mixon moved to approve minutes of the January 30, 2009, Retreat Work Session. Seconded by Councilmember Kingrea, motion passed by the following voice votes: AYE - Quinn, Stankoski, Mixon, and Kingrea. NAY - None. ABSTAIN – Ford.

Sherry Sullivan made the following announcements:

- Arts & Crafts Festival next weekend – March 20, 21, and 22, 2009
- State of the City Address will be March 29, 2009 at 2:00 p.m.
- Quality of Life Awards – two recipients from Fairhope

Barry Lee Booth, D.M.D. addressed the City Council and presented information on Honor Flight South Alabama. Dr. Booth also presented a power point presentation of a previous trip to Washington, D.C. On May 6, 2009, they will be taking an Honor Flight to see the World War II Veterans Memorial in Washington, D.C. He stated we are losing 1,000 to 1,200 veterans a day. Guardians that accompany the veterans are the loved ones of the World War II Veterans. Senator Sessions and Senator Dole were there to meet the veterans. He said, we also saw the Korean War Veterans Memorial, Iwo Jima Veterans Memorial, and the Arlington Cemetery. He mentioned that Earl Morris was the founder of Honor Flight Program.

Dr. Booth asked the City Council to entertain making May 6th as Honor Flight South Alabama Day. He said that Mayor Kant had sent in a Guardian application form for Honor Flight. Council President Quinn challenged everyone to donate to the Honor Flight Program. Councilmember Mixon told Dr. Booth he appreciated it very much. Councilmember Ford said since I have known you, you have been involved with the veterans. Dr. Booth said men and women went in for the duration; and then read a statement from E.B. Sledge.

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Willie Bean Roscoe P. Coltrane presented the City Council with a check in the amount of \$1,375.25 for the City of Fairhope Dog Park which came from his campaign contributions while running for Mayor. The campaign raised \$2,675.50 and gave half to the Baldwin County Humane Society and the other half to the City of Fairhope Dog Park. Dr. Snow stated she was able to secure approval from the Library Board to put up a sign.

A Public Hearing was held as advertised on the request for a Club Liquor – Class I License by Matthew Foster, Artisan Promotions, L.L.C. d/b/a The Fairhope Yacht Club, located at 101 Volanta Avenue, Fairhope, Alabama. The public hearing was opened at 6:25 p.m. and closed at 6:25 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.

Council President Quinn said that Agenda Items 4. A.1) and 2) contains minutes from The Finance Committee and/or Work Sessions being presented and reviewed by the City Council:

Minutes from meeting held February 9, 2009
Minutes from meeting held February 26, 2009

Councilmember Mixon addressed the City Council and announced that the Finance Committee meeting would be March 16, 2009 in the Delchamps Room at 6:00 p.m.

Nancy Wilson, City Treasurer, addressed the City Council regarding the refinancing of the City's General Obligation Warrant 1999. She stated there were nine responses out of nineteen RFPs sent to financial institutions and Hancock Bank was the best with a 3.62% 10-year fixed rate. After further discussion, Councilmember Mixon moved to accept the refinancing of the City of Fairhope's General Obligation Warrant 1999 by Hancock Bank. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote. Council President Quinn thanked Merchant Capital for structuring the bond deal. Ms. Wilson stated that the responses from the URW 1999 were not acceptable.

Councilmember Mixon mentioned to Jennifer Fidler, Public Works Director, that the Finance Committee needed a written report on the financial impact of twice-a-week garbage versus once-a-week garbage including a rate study; and a written report on trash pick-up and costs comparisons, by March 16, 2009 for the Finance Committee meeting. The rate study would include comparisons from other Cities and the County.

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Ms. Fidler said she did not get the request, but the savings would be \$250,000 and if we go to once-a-week garbage it would cost about \$250,000 to buy bigger garbage cans. Council President said to also look at what other cities and the County charged for cans. Mayor Kant stated we always gave citizens cans and they had the additional service. Council President Quinn said the City landfill will close in June and we want a report on trash too. Councilmember Ford said we have not put garbage in the landfill for over six to seven years. The Garbage Committee is looking at all aspects of that and will meet after the Arts & Crafts Festival. He said we want to hear from everyone. Councilmember Mixon stated there are no plans for going to once-a-week garbage; we are just looking at the costs and service. Councilmember Stankoski asked if it was practical to phase in sections instead of all at once.

Council President Quinn asked Mayor Kant about the Recreation Center. Mayor Kant replied that the Recreation Board was meeting on Thursday and will report back to the Finance Committee on Monday, March 16, 2009.

Jim Horner, Chairman of the Fairhope Environmental Advisory Board, addressed the City Council and reported on various environmental issues and discussed their brochure of the Fairhope Gullies. Ron Heveran emphasized the importance of the gullies and hopes the brochure will inspire citizens and residents who live near the gullies. The brochures will be available at City Hall, Public Works, and Fairhope Single Tax Corporation. The Winn Dixie detention pond was the top environmental issue discussed.

Council President Quinn said that Agenda Item 5. B. 1) contains minutes from The Chief of Police Search Committee meeting being presented and reviewed by the City Council: Minutes from meeting held February 3, 2009.

Councilmember Stankoski gave an update from the Chief of Police Search Committee. He thanked Rhonda White, Human Resource Administrator, for all of her hard work. The Committee met on February 3rd and 5th which were their initial meetings. We received 116 applicants for the position of Chief of Police. On March 10, 2009, we will meet at the Nix Center at 6:00 p.m. to review the applications.

Councilmember Mixon moved for final adoption of Ordinance No. 1378, an ordinance establishing the position of City Administrator and defining the duties, authority and liabilities of said Administrator. (Introduced at the February 26, 2009 City Council meeting). Councilmember Stankoski seconded the motion. Councilmember Ford stated that this ordinance was unnecessary and it has already been done. The newspaper printed we would hire within the City, but this could cost us more money. We do not need to add anymore positions to the City. After further discussion, motion for final adoption passed by the following voice votes: AYE - Quinn, Stankoski, Mixon, and Kingrea. NAY- Ford.

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Councilmember Mixon moved to amend Ordinance No. 1379, an ordinance repealing Ordinance No. 1374 and to establish the City Council as the appointing authority for designated employment positions in the City of Fairhope, by changing the word “may” seek to “should” seek. Councilmember Kingrea seconded the motion. Councilmember Ford stated that he did second the motion for adopting Ordinance No. 1374 when this put the Mayor back in the ordinance. The new ordinance takes the Mayor back out again. He said Councilmember Mixon has taken care of that one thing. Councilmember Ford stated the same type of ordinance was done in Daphne in 2003 and was rescinded in 2005 which gave the appointing authority back to the Mayor. He said it would be advantageous to the City to rethink this ordinance. He said we keep changing because we can, not because we need to.

Mayor Kant asked if they amend the ordinance to say should, does that mean the Mayor will. He also mentioned the two-third vote for hiring and firing. Council President Quinn said it was two-thirds, but it is now the majority of the Council. Mayor Kant said he was not comfortable terminating an employee if he could not hire them. Councilmember Mixon said he did not have a problem with changing the wording to “will” seek the Mayor’s recommendation.

After further discussion, Councilmember Mixon amended the wording from “should” seek to “will” seek in Ordinance No. 1379. Seconded by Councilmember Kingrea, motion adoption passed by the following voice votes: AYE - Quinn, Stankoski, Mixon, and Kingrea. NAY- None. ABSTAIN – Ford. Council President Quinn mentioned Part B. of the ordinance is based on the Code of Alabama.

Councilmember Mixon moved for final adoption of Ordinance No. 1379, an ordinance repealing Ordinance No. 1374 and to establish the City Council as the appointing authority for designated employment positions in the City of Fairhope. (Introduced at the February 26, 2009 City Council meeting). Seconded by Councilmember Kingrea, motion for final adoption adoption passed by the following voice votes: AYE - Quinn, Stankoski, Mixon, and Kingrea. NAY- Ford.

Councilmember Ford introduced in writing Ordinance No. 1380, an ordinance to establish the By-Laws for the Fairhope Museum of History. In order to take immediate action, Councilmember Ford 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. Sherry Sullivan, Chairman of the Museum Committee, stated they need the By-Laws adopted to get started and set the terms and limits of the Fairhope Museum of History. Councilmember Kingrea mentioned that citizens were concerned with the day the Museum is closed. Ms. Sullivan replied that Donnie Barrett needs an administrative day and Monday was a consistent day.

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After further discussion, Councilmember Mixon then moved for final adoption of Ordinance No. 1380. Seconded by Councilmember Ford, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

Casi Callaway, Executive Director of Mobile Baykeeper, addressed the City Council requesting permission for the City of Fairhope to subsidize the cost of 14 police officers needed to monitor traffic on the racecourse, to serve beer at the beach pavilion, and to close the Rose Garden late Friday for the 9th Grandman Triathlon which will be held Saturday, May 30, 2009. Ms. Callaway thanked the following City employees: Lisa Hanks, Michelle Burmeister, and Sherry Sullivan for all of their help. She mentioned 100 racers have already registered for the event. Councilmember Mixon asked Ms. Callaway how much did she think will be going to non-profit and how much will you make from this? Ms. Callaway replied we net around \$60,000 to \$70,000. Councilmember Mixon stated we were hurting with overtime and do not see funding the Police officers or waiving the park fee. He said we need to know how much it will cost and the loss in parking. We need more definitive figures and would like more information.

Ms. Sullivan stated the estimate for the Police officers is around \$1,600. Councilmember Kingrea asked how much will be asked for in total. Ms. Sullivan mentioned the request for sweeping the beach and dragging the beach is handled by the Public Works Department and they do that weekly during that time of the year. Barricades are an issue and other people pick up themselves. If area is not cleaned up, a fee will be assessed for the clean-up. The parking lot cannot be closed because people keep boats there and The Yardarm is adamant not to close the Rose Garden.

Councilmember Mixon said these things should be ironed out and told Ms. Callaway she needed to work with Ms. Sullivan on the details. Councilmember Ford stated that alcoholic beverages are not allowed on that beach. He asked what happens when someone else is drinking. Ms. Callaway replied it is a tradition and the racecourse is spotless by noon. Councilmember Mixon said the Police are not comfortable with the beer. Ms. Callaway said this event is a major economic boost to the City of Fairhope and asked Fairhope to be a sponsor.

Council President Quinn stated that Ms. Sullivan, Mayor Kant, Ms. Callaway, and Chief Sanders need to get together and negotiate the race. Councilmember Kingrea said we need to be very careful how we treat each entity with alcohol. Councilmember Stankoski asked didn't we pass a new ordinance. Ms. Sullivan replied yes and they fall under the requirements.

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Jo Ann Broadus, Executive Director of the Eastern Shore Optimist Club, addressed the City Council requesting support to the Dogwood Trail in raising \$10,000 required for travel and lodging expenses to Washington, DC to march in the National Cherry Blossom Festival parade. She mentioned that Baldwin County donated \$6,000 and Daphne donated \$1,500. However, Spanish Fort declined donating any funds to the Dogwood Trail. Three of the girls are from the City of Fairhope. Councilmember Mixon asked if we had money in the Community Development Fund. Mayor Kant replied yes and suggested donating \$1,500 which would be \$500 per girl from Fairhope. He said we should help our young women and give them an opportunity of a lifetime. Councilmember Mixon moved to grant the request and donate \$1,500 for the Dogwood Trail's trip to the National Cherry Blossom Festival in Washington, DC. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Calvin Hunt, citizen of Fairhope, addressed the City Council requesting to dedicate the park on Young Street to Chester A. Hunt, Sr. Memorial Park. He thanked Mike Odom with The Fairhope Courier for the story in the newspaper. He also stated that the Barbecue was successful and they rose over \$600. Council President Quinn said the park was already named and asked for the Mayor's input. Mayor Kant stated the sign is in the Boys & Girls Club and thought it was named after Hunt and two owners that donated the property.

Willie Williams, citizen of Fairhope, addressed the City Council and stated that his father and Mr. Boykin gave the land to the City through negotiations with the Young Men Civic Club. Mr. Williams stated Mr. Hunt was not involved. Mayor Kant asked Mr. Williams to get with him and they would go over the sign issue. Mr. Williams said the consensus from everyone was to keep the sign in the building.

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

Vince Valentim, 203 Perdido Avenue, addressed the City Council regarding initiatives and proposals revisited. He began by giving Dr. Booth a hand on his work with the veterans. Mr. Valentim said he enjoyed the elections and congratulated each Councilmember. He said "the grapevine intelligence has said there is word of a Sales Tax and I am for it." The financing is done mainly by the Utilities and whoever is on the City Utilities should receive a proportionate discount by reducing millage and gross receipts tax. He said you should let the Personnel Board do some of the work of hiring. "Good things are coming your way in due course of time."

Council President Quinn announced that at the request of Paul Ripp his item from Public Participation is pulled from the agenda.

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Hop Allen, citizen of Fairhope, addressed the City Council and asked if there were any funds in the Recreation Fund for parking off of Volanta Street. He said the parking lot needs to be repaired.

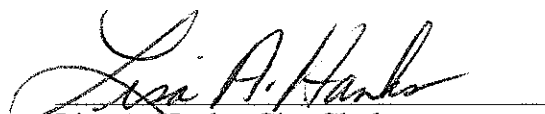
Chief Terry Sanders addressed the City Council and recognized James Stewart and Becky McLean who graduated from the law enforcement academy in Jefferson County. He said Officer Stewart was the "Top Gun" and Officer McLean was the secretary/treasurer of their class. He said we are very proud of both of them.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 8:35 p.m.



Debbie W. Quinn, Council President



Lisa A. Hanks, City Clerk