

STATE OF ALABAMA)
 :
 COUNTY OF BALDWIN)(

The City Council, City of Fairhope, met in regular session at 12:00 p.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Monday, 9 November 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 Councilmember Stankoski and the Pledge of Allegiance was recited.

Council President Quinn explained that the time of the meeting for the City Council was changed due to Tropical Storm Ida which this morning was Hurricane Ida for the safety and welfare of the citizens of Fairhope.

Councilmember Kingrea moved to approve minutes of the 26 October 2009, regular meeting. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

Sherry Sullivan made to following announcements:

- Hurricane updates can be found on the City of Fairhope's website under links, Facebook, and Twitter.
- Fall Outdoor Farm Market – November 12th will be the last Thursday evening market.
- City of Fairhope Tree Lighting Celebration on Thursday, November 19, 2009 at 5:30 p.m.
- America Recycle Day is Saturday, November 14, 2009.
- Fairhope Museum of History hosting "Round-up Day" celebration on November 15, 2009, 6:00 p.m.
- Fairhope Downtown Business Association Christmas Open House will be Sunday, November 22, 2009 from 1:00 p.m. to 5:00 p.m.

Council President Quinn stated an ordinance for hiring, raises, and promotions needed to be added to the agenda. She also mentioned that the following items were being pulled from the agenda: Presentation for Ilse Krick, Request for Casi Callaway regarding the Grandman Triathlon Race, and the Executive Session.

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

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Mayor Kant addressed the City Council and mentioned a briefing scheduled for 1:30 p.m. at Emergency Management for Baldwin County. He said the County had declared an emergency primarily due to flooding.

City Attorney Wynne asked for a short recess to discuss with Council President Quinn the declaration of emergency for the welfare of the City.

Council President Quinn called a brief recess at 12:18 p.m. The City Council meeting resumed at 12:20 p.m.

Councilmember Stankoski moved for the adoption of the following resolution, a resolution to declare on November 9, 2009 an emergency and move the City Council meeting from 600 p.m. to 12:00 p.m. (noon) to avoid physical injury to persons or damage to property. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

RESOLUTION NO. 1582-09

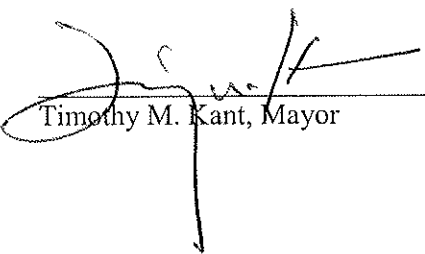
WHEREAS, on November 9, 2009, the City of Fairhope and all of the Gulf Coast from Pascagoula, Mississippi to Indian Pass, Florida were under a Hurricane Warning (Hurricane Ida); and

WHEREAS, the City of Fairhope City Council meetings are regularly scheduled to meet every second and fourth Monday at 6:00 p.m.; and

WHEREAS, the City Council, due to emergency circumstances requiring immediate action to avoid physical injury to persons or damage to property, gave public notice on November 9, 2009, as required by law no less than one hour before the meeting is to begin, to move the meeting time from 6:00 p.m. to 12:00 p.m. (noon); and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, declares on November 9, 2009 an emergency and moves the City Council meeting from 600 p.m. to 12:00 p.m. (noon) to avoid physical injury to persons or damage to property.

ADOPTED THIS 9TH DAY OF NOVEMBER 2009



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, City Clerk

9 November 2009

Council President Quinn read the following recognizing Councilmember Lonnie Mixon:

A few months ago, the U.S. Air Force Band taped a PBS television special titled "America's Veterans, a Musical Tribute" at the Strathmore Music Center in Washington D.C. Each armed service was represented with one honoree. The honoree selected from the U.S. Coast Guard was Fairhope resident and City Councilmember, CDR Lonnie L. Mixon USCG (Ret). He was chosen for his 22 years of service and was credited with saving 60 persons and is one of the most decorated Coast Guard aviators. The tribute will be aired on Alabama Public Television on Sunday afternoon, November 15, at 2:00 p.m.

City Administrator Gregg Mims addressed the City Council and discussed the staff meeting held this morning regarding the storm. He stated that staff was ready and prepared to handle this storm.

Chief of Police Press mentioned that the Fairhope Municipal Pier would be closing at 4:00 p.m. today.

Councilmember Mixon moved to approve and adopt the revised organizational chart as presented. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

City Treasurer Nancy Wilson addressed the City Council and gave a brief update on the Sales Taxes. Ms. Wilson stated since August the City has collected \$1,003,863.91 and paid out \$13,777.00 for administration fees which leaves a balance of \$990,086.91. Therefore, we have put \$450,000.00 in reserves. We have an average collection of \$334,621.37 per month compared to a budget amount of approximately \$316,000 per month or \$3.8 million annually.

Council President Quinn announced Items 8.a.), 8.b.), and 8.c.) are minutes from Special Boards and Commissions being presented and reviewed by the City Council:

- a.) Recreation Board
Review minutes from meeting held October 21, 2009
- b.) Strategic Planning Steering Committee
Review minutes from meeting held October 22, 2009
- c.) Fairhope Airport Authority
Review minutes from meeting held October 20, 2009

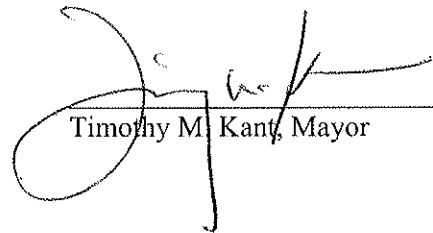
9 November 2009

Councilmember Mixon introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an agreement between the Geological Survey of Alabama and the City of Fairhope to conduct an Assessment of Sedimentation in the Fly Creek Watershed. Seconded by Councilmember Kingrea, motion passed by the following voice votes: AYE – Quinn, Mixon, Ford, and Kingrea. NAY – None. ABSTAIN – Stankoski.

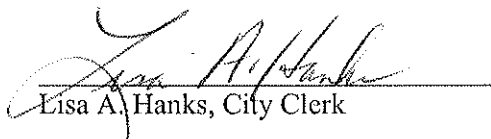
RESOLUTION NO. 1583-09

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute an agreement between the Geological Survey of Alabama and the City of Fairhope to conduct an Assessment of Sedimentation in the Fly Creek Watershed.

Adopted this 9th Day of November 2009


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, City Clerk

Councilmember Mixon introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an agreement between the Dauphin Island Sea Lab/Mobile Bay National Estuary Program and the City of Fairhope for the Assessment of Sediment in Fly Creek project. Seconded by Councilmember Kingrea, motion passed by the following voice votes: AYE – Quinn, Mixon, Ford, and Kingrea. NAY – None. ABSTAIN – Stankoski.

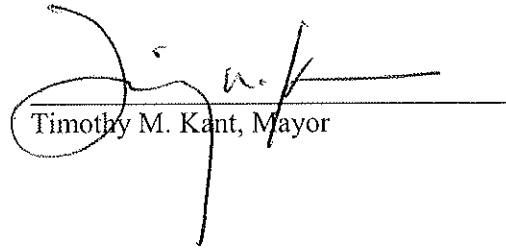
Mayor Kant asked; once this survey is approved, who pays for the improvements based on their recommendations. Council President Quinn replied the improvements would be put in the next budget cycle as upgrades.

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RESOLUTION NO. 1584-09

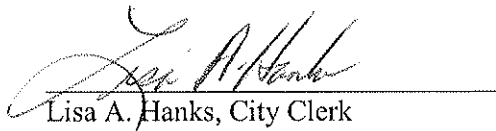
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute an agreement between the Dauphin Island Sea Lab/Mobile Bay National Estuary Program and the City of Fairhope for the Assessment of Sediment in Fly Creek project.

Adopted this 9th Day of November 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Mixon introduced an ordinance stating that any and all pay raises, promotions, and personnel employment must be approved by the Fairhope City Council. Council President Quinn mentioned that there would not be a vote on this ordinance tonight and that it would lay over to the next City Council meeting.

City Council reviewed an application for a Restaurant Liquor License by Tamara G. Wintzell d/b/a Tamara's Steamer located at 19270 Scenic Highway 98, Fairhope, Alabama. Councilmember Mixon moved to approve the issuance of the license. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

City Council reviewed an application for a Restaurant Liquor License by Leo Warren Pinzone, Papa's Place, Inc. d/b/a Papa's Place Fairhope, located at 18 Laurel Avenue, Fairhope, Alabama. Councilmember Mixon moved to approve the issuance of the license. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Mixon moved to grant the request of Gina Lanaux, Creative Outlet Director, requesting the City of Fairhope to waive fees for a Creative Outlet performance at the Fairhope Civic Center for their production of "Jack and the Beanstalk." Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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Councilmember Ford moved to grant the request of the Eastern Shore Optimist Club requesting permission to use the City property behind the new Library located at the corner of Magnolia Avenue and North School Street for their annual fund raising Christmas Tree Sale. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

Councilmember Mixon move to waive the Franchise Agreement application for the Eastern Shore Optimist Club. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

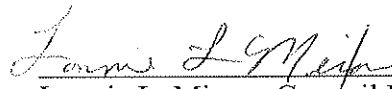
Councilmember Ford moved to pay bills as presented. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Council President Quinn stated that the Ordinance which set out the rules of procedure for the City Council meetings specifies that each year an election would be held for a new President and Pro Tempore. Council President Quinn passed the gavel down to Council President Pro Tempore Mixon and then moved to step down and nominate Councilmember Mixon as the new City Council President. Seconded by Councilmember Kingrea, motion passed by the following voice votes: AYE – Quinn, Stankoski, Ford, and Kingrea. NAY – None. ABSTAIN – Mixon.

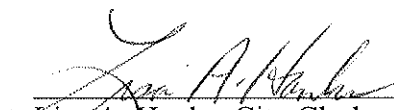
Councilmember Stankoski moved to nominate Councilmember Ford as Council President Pro Tempore. Seconded by Councilmember Kingrea, motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – None. ABSTAIN – Ford.

Councilmember Stankoski mentioned this has been a hard year and he appreciated all of Debbie Quinn's hard work. Councilmember Mixon stated he also appreciated Quinn too.

There being no further business to come before the City Council, the meeting was duly adjourned at 12:46 p.m.



Lonnie L. Mixon, Council President



Lisa A. Hanks, City Clerk