

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, 23 November 2009.

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 Reverend Parsons, Pastor of Redeemer Lutheran Church and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 9 November 2009, regular meeting. He then stated if there are no corrections, the minutes stand approved as written.

Council President Mixon announced that they needed to amend the agenda by adding on the following item: Feasibility Study for a Separate City School System for Fairhope, Alabama.

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

Mayor Kant addressed the City Council and recognized Ilse Krick on her retirement. He presented Ms. Krick with a plaque in recognition of her service to the City of Fairhope Public Library. Martin Lanaux, Chairman of the Fairhope Library Board, stated that the Library Board made Ilse Krick the Interim Director and then decided not to look for another director because of how well Ms. Krick was doing. The Library Board hired Ms. Krick as the new Director of the Library. Mr. Lanaux continued by stating Ms. Krick has done a marvelous job and will be missed.

Ilse Krick thanked the Mayor, City Council, and Library Board for having trust and support in her. Ms. Krick stated she loves Fairhope and the Fairhope Public Library. She said, "My hats off to the City employees."

Sherry Sullivan made the following announcements:

- The Nix Center is offering flu and pneumonia shot clinic on Wednesday, September 30, 2009 from 10:00 a.m. to 5:00 p.m.
- December 4, 2009 is our Annual Christmas Parade.

23 November 2009

Colette Boehm, Special Projects Director with the Alabama Gulf Coast CVB, addressed the City Council and announced that our scenic byway route, Alabama's Coastal Connection, has been designated a National Scenic Byway. On October 16<sup>th</sup> U. S. Transportation Secretary Ray LaHood announced 42 new designations to the America's Byways<sup>®</sup> collection, bringing the number of America's Byways<sup>®</sup> to 151. The gateway to the byway begins at Interstate 10 at the Spanish Fort exit. This will give individuals a way to look at our great assets and give us a better way to package and promote them. Jay Hastings, with the Eastern Shore Chamber of Commerce, stated this is one way to get people off of Interstate 10 and visit Fairhope and other communities. It will get them down Highway 98 and a chance to visit.

Mayor Kant addressed the City Council and presented the following:

- 1) Troy King, the Alabama Attorney General, will not be issuing an opinion on the Noise Ordinance.
- 2) After speaking with Council President Mixon, financial statements will be presented quarterly.

Council President Mixon mentioned Lorenzo Howard would be holding seminars beginning November 30, 2009 at 9:00 a.m. regarding semi-annual evaluations. There will be sessions for supervisors as well as their employees.

City Administrator Gregg Mims addressed the City Council and highlighted the following areas:

- 1) The IT Department – Jason Colee along with Dan Ames and others worked on our cellular phone use which averaged \$8,000 per month. After consolidating cellular phones and pagers with one vendor, the average dropped to around \$3,000 per month with a savings of approximately \$60,000 a year. Mr. Colee has made it available to login in from home to access e-mail accounts. He helped Sherry Sullivan with a new website and now oversees the site which saves approximately \$3,600 a year. The camera at the Fairhope Pier was replaced and now managed by the IT Department with a savings of \$40,000 over the next five years. This department also manages our telephone lines with another savings of \$2,500 per year. Mr. Colee helped with the incident with the transformer downtown and found a battery backup which the cost was \$15,000 instead of the initial cost quoted of \$75,000. The IT Department is working with the Police Department on the 1033 Program for monitors. This department has also put in place a SPAM filtering system and worked with Sherry Sullivan and Shane Nolte on presenting the “Danger of Social Networking” in our schools.
- 2) Sewer Treatment Plant – Coastal Engineering was hired regarding the breaker issue to check out our system. The company reported there were no major issues and the cost to correct our problem would be around \$2,000.

23 November 2009

3) The Police Department and the 1033 Program – Mr. Mims showed the City Council a translator that they received from the Department of Defense through Chief Press and staff. Each translator would cost the City around \$3,300 plus software.

Council President Mixon thanked Jason Colee for all of his hard work for the City of Fairhope.

Councilmember Stankoski moved to approve the Fairhope Police Department's revised organizational chart. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Ford mentioned someone called him regarding the Police Department patting down and using a wand on them at the Fairhope High School football game. He said people are upset for being searched. We need to know if there was a threat or change in our procedure. Councilmember Ford asked; did we confiscate any guns?

Chief Press replied that there was no threat and new innovations and technologies will be brought and continue to be brought to the City of Fairhope for public safety. Chief Press then showed the City Council the last three items that were confiscated which were three knives and stated 30 items were confiscated at the game. He went on to say we will continue to do this at all games and Dr. Thomas is in agreement. Officer Shane Nolte also addressed the City Council and stated one person came in with a gun and kids want to be in a gang. Chief Press said the schools likes this procedure and wants us to continue with it. He mentioned Officers Jimmy Davis and Fred King who worked on the 1033 Program to obtain vehicles, boats, and other equipment for the department. He thanked his officers who deal day-to-day with people with weapons and put their lives at risk.

Councilmember Quinn stated it is not just with the youth, but domestic violence is a huge problem. She also thanked Jason Colee and Chief Press for what they have done.

Council President Mixon announced Item 8.a) are minutes from Special Boards and Commissions being presented and reviewed by the City Council:

- a.) Fairhope Museum of History  
Review minutes from meeting held October 7, 2009

Councilmember Quinn moved to work out a contract with Dr. Ira Harvey for a Feasibility Study for a separate City school system for Fairhope, Alabama and have Dr. Harvey come speak to the City Council. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

23 November 2009

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution stating that the City of Fairhope Mayor and City Council do hereby request the full support of all legislators across the State of Alabama in creating solutions to this insurance crisis directly tied to the availability and affordability of wind and hail homeowners insurance. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

**RESOLUTION NO. 1585-09**

**A RESOLUTION IN SUPPORT OF IMMEDIATE AID AND REFORM RELATED  
TO HOMEOWNERS INSURANCE COVERING WIND  
AND HAIL ALONG THE ALABAMA GULF COAST**

**WHEREAS** homeowners insurance is a critical necessity for all residents and property owners of Alabama; and,

**WHEREAS** residents and property owners in the City of Fairhope have seen their homeowners insurance policies cancelled, and/or their rates increased dramatically, and a reduction in the number of companies that are writing homeowners policies in coastal areas; and,

**WHEREAS** the questions of availability, fulfillment of the policy, the reality of discontinuation of policies create frustration, emotional stress and fatigue, unmerited anxiety and concern to the homeowner due to insurance company decisions to no longer offer coverage to the City of Fairhope; and,

**WHEREAS** the desirability of the City of Fairhope and Baldwin County property is a valued resource along Mobile Bay from the beach shoreline to the back bays and islands for the whole of Baldwin County generating tremendous economic impact in providing revenues to the state general fund; and,

**WHEREAS** the insurance crisis facing coastal communities nationwide greatly affects the economy of coastal communities such as the City of Fairhope and has created major barriers to selling or buying property in the region which hinders economic development, business recruitment and simply sustainability to the homeowner desiring to live in the City of Fairhope; and,

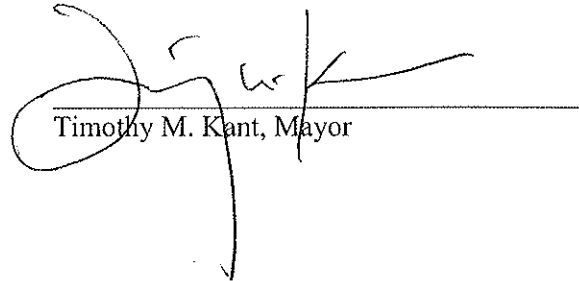
**WHEREAS** the Mayor and Council strongly support the Baldwin County delegation and Mobile County legislators who are supportive of bringing necessary legislation for statewide consideration on this very real crisis; and,

**WHEREAS** the Mayor and Council strongly encourage the Alabama State Legislature to act toward alleviating the ongoing insurance crisis that the residents of the City of Fairhope are currently facing through immediate aid via legislation providing incentives for exceeding building codes, hardening, protection of property and more;

23 November 2009

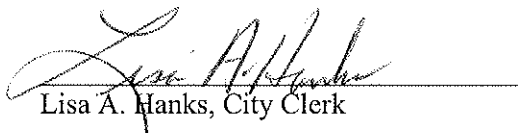
**NOW, THEREFORE**, the City of Fairhope Mayor and City Council do hereby request the full support of all legislators across the State of Alabama in creating solutions to this insurance crisis directly tied to the availability and affordability of wind and hail homeowners insurance.

Adopted this 23rd Day of November 2009



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

Attest:



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

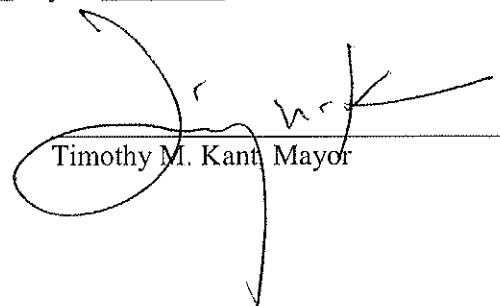
Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase ammunition for the City of Fairhope Police Department. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

**RESOLUTION NO. 1586-09**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, as follows:

[1] That the City of Fairhope has voted to purchase ammunition for the City of Fairhope Police Department. The cost will be approximately \$11,000 to \$12,000.

Adopted on this 23rd day of November 2009



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

Attest:



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

23 November 2009

Councilmember Stankoski introduced in writing an Ordinance establishing that no employment to fill non-budgeted positions shall be allowed without the approval of the Fairhope City Council. Further, no pay raises or promotions whatsoever shall be allowed without the approval of the Fairhope City Council. In order to take immediate action Councilmember Quinn moved for immediate consideration. Seconded by Councilmember Stankoski, motion for immediate consideration failed for lack of a unanimous vote. This ordinance will layover for final adoption at the next regular City Council meeting.

Councilmember Quinn moved to grant the request of Casi Callaway with Mobile Baykeeper requesting the City of Fairhope to charge a \$150.00 fee for the use of South Beach Park, and permission to serve beer on South Beach Park with all appropriate security for the Grandman Triathlon Race scheduled for Saturday, June 5, 2010. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

City Council reviewed an application for a Beer/Wine Off Premises License by Rajendra Patel, as member for RA Enterprises, LLC d/b/a Shell Merri Mart 316 located at 9990 State Highway 104, Fairhope, Alabama. Councilmember Kingrea moved to approve the issuance of the license. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Council President Mixon mentioned that the addendum to the Franchise Agreement was discussed in the prior Work Session and a committee would be formed to review and bring back recommendations to the City Council. He appointed the following to this committee: Gregg Mims, Nancy Wilson, Liz Chandler, Sherry Sullivan, Chuck Zunk, Tom Kuhl, and himself.

Kristie Street, 17750 Greeno Road, addressed the City Council and read the following:

\*

\*

\*

23 November 2009

We all agree we want what is best for our children. My main concern is that there is a possibility that my children could be excluded from a new city school system. If so, my children would be bused over 35 miles a day to Foley, to attend school.

The residents outside of the city limits have approximately 600 children at J. Larry Newton School and 480 children attending the Fairhope Middle and High Schools. This does not include the children that are currently attending Fairhope Intermediate & Elementary Schools and the Fairhope K-1 Center that live outside the city limits. There are approximately 4,200 children in the Fairhope Feeder Pattern; 1,900 of the children live outside the city limits and only 2,300 of the children live in the city limits. The children outside the city limits account for almost one half of the current Fairhope Feeder Pattern.

It would be devastating to this community and especially our children, if a new city school system did not include the children outside of the current city limits. And YES, it can happen!!

I will use Stapleton as an example. Their children are not allowed to attend the new Middle School or High School in Spanish Fort. The children are being bused 36 miles a day to the schools in Bay Minette. This has had a profound effect on the community of Stapleton. Most of the parents work in Mobile, so it has caused a huge problem for the parents to attend extracurricular activities such as sports, band, church activities and PTO meetings. Parent participation is almost impossible because of the distance they have to drive. To make matters worse, there is a huge possibility that the Stapleton Elementary School will be closed. Which means Kindergarteners thru 6<sup>th</sup> graders will be bused to Bay Minette. What if that was your child or grandchild?

If the council approves the funding of the feasibility study, **PLEASE** make it imperative that Dr. Harvey's study includes **ALL** the children in the current Fairhope Feeder Pattern. I would also like to ask for the study to state any alternatives to annexation of Barnwell, Marlow, Point Clear, Montrose, and Twin Beech that would allow those areas to be included in the city schools.

I believe that each council member has the interest of **ALL** residents of Fairhope, which includes **ALL** families north, south, east and west of Greeno Road. I ask for each council member to **PLEASE** join with me in my concerns of keeping this wonderful community of Fairhope what it is today. **PLEASE** do not support a new city school system that does not include **ALL** of the children in our community.

The bigger picture here tonight is that our schools need our help **NOW!!** They need our support for a temporary countywide 1-cent sales tax. Please contact Commissioner David Ed Bishop with your support of the sales tax. The next Meeting with the Board of Education is Tuesday, December 1<sup>st</sup> at 5pm in Loxley. There will be a joint session with the County Commissioners on Friday, December 11<sup>th</sup> at 9am in Robertsedale. I would like to ask everyone here tonight to please attend both meetings. Numbers speak **VOLUME!!**

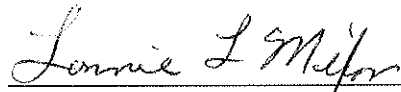
23 November 2009

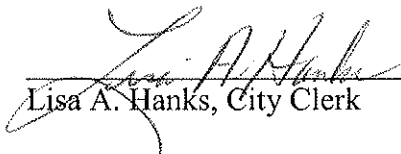
Vince Valentim, 203 Perdido Avenue, addressed the City Council and said failure is not an option when it concerns our education program. In the 1990s we had the one cent Gas Tax, but the State would short your allocation by the one cent and we did not get our money. There is no guarantee we will get the taxes. Montgomery is the issue. He also mentioned people need to know what is on the agenda.

At the request of the City Attorney, Marion E. Wynne, the City Council will rise from the meeting to go into Executive Session based on Section 36-25A-7(a)(3) to discuss pending litigation and possible settlement options regarding said pending litigation and Section 36-25A-7(a)(6) to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. The approximate time to be in Executive Session is 15 minutes. Councilmember Quinn moved to go into Executive Session. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Exited the dais at 6:52 p.m. Returned at 7:15 p.m.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:15 p.m.

  
\_\_\_\_\_  
Lonnie L. Mixon, Council President

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