

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, 12 October 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 Acting City Clerk Emily Boyett. Mayor Timothy M. Kant and City Clerk Lisa A. Hanks were absent.

There being a quorum present, Council President Quinn called the meeting to order. The invocation was given by Father Thack Dyson, Priest at St. Paul's Episcopal Church on the Eastern Shore and the Pledge of Allegiance was recited. Councilmember Mixon moved to approve minutes of the 28 September 2009, regular meeting. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Council President Quinn announced that they needed to amend the agenda by adding on Rose Fogarty regarding the Golf Debt and pulling Items No. 9.b.) and 9.i.).

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

Sherry Sullivan made the following announcements:

- 28th Annual Grand Festival of Arts on Saturday and Sunday from 10:00 a.m. to 5:00 p.m.
- Baldwin Pops are performing on Saturday, October 18, 2009 at the Henry George Park at 6:00 p.m.
- Farmer's Fall Market is every Thursday through November 12, 2009 from 3:00 p.m. until dark.

Sherry Sullivan and the 2010 Census Committee addressed the City Council and presented the following proclamation:

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PROCLAMATION

WHEREAS an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day care centers, roads and public transportation, hospitals and other facilities, and achieving an accurate and complete count of the nation's growing and changing population;

WHEREAS more than \$400 billion per year in federal and state funding is allocated to states and communities based, in part, on census data;

WHEREAS census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts;

WHEREAS the 2010 Census creates jobs that stimulate economic growth and increase employment;

WHEREAS the information collected by the census is confidential and protected by law;

Now, therefore, we PROCLAIM that the City of Fairhope, Alabama is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner, we will:

1. Support the goals and ideals for the 2010 Census and disseminate 2010 Census information to encourage those in our community to participate.
2. Encourage people in our community to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness and ensure a full and accurate census.
3. Support census takers as they help our community complete an accurate count.
4. Create or seek opportunities to collaborate with other like-minded groups in our community by participating in Complete Count Committees and/or utilizing high-profile, trusted voices to advocate on behalf of the 2010 Census.

City Administrator Gregg Mims addressed the City Council with the recommendation for hiring the Assistant City Clerk. Councilmember Mixon moved to approve the hiring of Candace Antinarella. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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Mr. Mims gave an update on the City's Policies and Procedures Handbook and announced the Personnel Board will meet on Friday to finalize changes. He stated he is working on a Request For Proposals (RFP) draft to pre-approve a list of consultants on a yearly basis so Council would not have to approve each individual request and he is updating the City's Organizational Chart. Mr. Mims also added he will have the contract between the City and the Fairhope Volunteer Fire Department on the next Council meeting.

Rose Fogarty, Finance Manager, addressed the City Council and briefly explained a debt owed to the Electric Fund by the Golf Fund. Councilmember Kingrea moved to write off the debt assumed by the General Fund on behalf of the Golf Fund. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

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

- a.) Library Board
 - Review minutes from meeting held May 18, 2009
 - Review minutes from meeting held September 21, 2009
- b.) Fairhope Tree Committee
 - Review minutes from meeting held September 9, 2009
- c.) Historic Preservation Committee
 - Review minutes from meeting held October 1, 2009

Councilmember Ford addressed the City Council and gave an update on the Recycle Committee. He stated the need of two members for the Committee and said the Committee has been discussing the possibility of going to once a week garbage collection.

Chuck Zunk, Chairman of the Financial Advisory Committee, addressed the City Council regarding the purchase of recreation property. He stated that the Committee recommends purchasing the property by using the remaining balance of money from the GOW Account, Impact Fee Account, Municipal Capital Improvement Fund, Recreation Capital Improvement Account and the remaining balance of the purchase price to come from the General Fund Reserves.

Councilmember Mixon introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a real estate purchase agreement between Manley Road, LLC and the City of Fairhope for recreation property. Councilmember Kingrea seconded the motion. Councilmember Kingrea questioned who the current owners are, how long they have owned the property and how much they paid for the property.

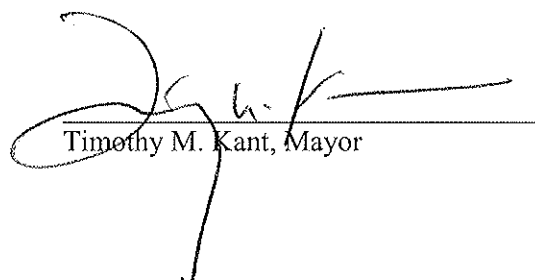
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Charlie Langham responded he knew Miles Jones and Vince Booth were part owners, but only knew the other partners were local doctors and lawyers. Mr. Langham added Manley LLC has owned the property for eight years, but he did not know how much they had paid for it. Further discussion led to Councilmember Ford making a substitute motion to buy the property, but to delay the closing until a confirmation has been received that the Impact Fee monies can be repaid if so desired. Substitute motion failed for lack of a second. After further discussion initial motion passed by following voice votes: AYE – Quinn, Stankoski, Mixon, and Ford. NAY – Kingrea.

RESOLUTION NO. 1566-09

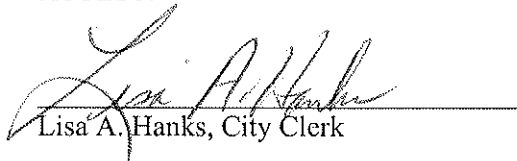
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant, is authorized to execute a Real Estate Purchase Agreement between Manley Road, LLC and the City of Fairhope for Recreation Property.

Adopted this 12th day of October, 2009



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, City Clerk

The following is the total purchase price and the source of City of Fairhope Funds used:

PURCHASE OF LAND -- MANLEY ROAD
October 16, 2009

Total Purchase Price	<u>\$877,012.73</u>
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Source of City of Fairhope Funds:

Impact Fees (Parks & Recreation)	\$350,000.00
Recreation Capital Improvement Fund	\$250,000.00
GOW 2007 Proceeds	\$239,489.08
Municipal Capital Improvement Fund	<u>\$ 37,523.65</u>
Total of funds used for purchase	<u>\$877,012.73</u>

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Councilmember Mixon introduced in writing, and moved for the adoption of the following resolution, a resolution to award RFQ for Low Voltage Substation Transformer Bushings for the Electric Department. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

RESOLUTION NO. 1567-09

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

[1] That the City of Fairhope did request and receive RFQs for Low Voltage Substation Transformer Bushings for the Electric Department at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

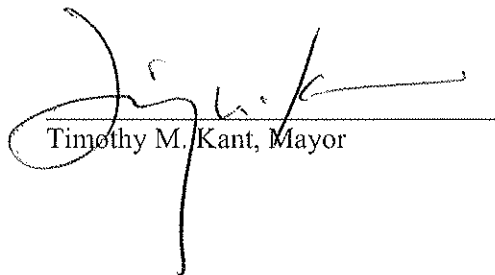
[2] At the appointed time and place, the following RFQs were received and tabulated as follows:

LOW VOLTAGE SUBSTATION TRANSFORMER BUSHINGS

Florida Transformer, Inc.	\$ 8,294.00
Pcore Electric	6,092.00
Substation Service Company	No Response

[3] After evaluating the RFQ proposal with the required specifications, Florida Transformer, Inc., with the total RFQ proposal of \$8,294.00, is now awarded RFQ No. 008-09 for Low Voltage Substation Transformer Bushings.

Adopted on this 12th day of October, 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 to award RFQ for High Voltage Substation Transformer Bushings for the Electric Department. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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RESOLUTION NO. 1568-09

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

[1] That the City of Fairhope did request and receive RFQs for High Voltage Substation Transformer Bushings for the Electric Department at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

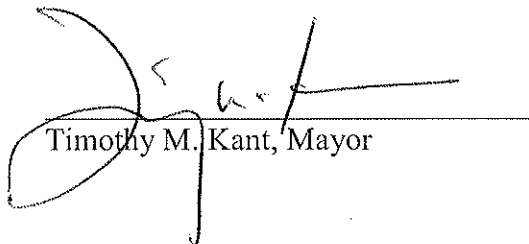
[2] At the appointed time and place, the following RFQs were received and tabulated as follows:

HIGH VOLTAGE SUBSTATION TRANSFORMER BUSHINGS

Florida Transformer, Inc.	\$ 8,043.84
Pcore Electric	7,542.00
Substation Service Company	No Response

[3] After evaluating the RFQ proposal with the required specifications, Florida Transformer, Inc., with the total RFQ proposal of \$8,043.81, is now awarded RFQ No. 009-09 for High Voltage Substation Transformer Bushings.

Adopted on this 12th day of October, 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 to award RFQ for Nichols Street Substation Transformer Restoration for the Electric Department. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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RESOLUTION NO. 1569-09

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

[1] That the City of Fairhope did request and receive RFQs for Nichols Street Substation Transformer Restoration for the Electric Department at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

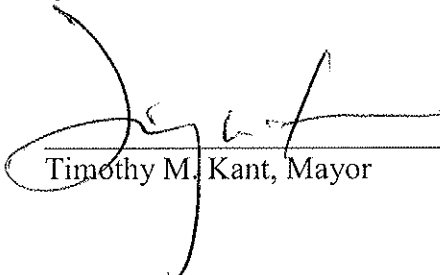
[2] At the appointed time and place, the following RFQs were received and tabulated as follows:

NICHOLS STREET SUBSTATION TRANSFORMER RESTORATION

Florida Transformer, Inc.	\$ 14,738.95
Pcore Electric	No Bid
Substation Service Company	No Response


[3] After evaluating the RFQ proposal with the required specifications, Florida Transformer, Inc., with the total RFQ proposal of \$14,738.95, is now awarded RFQ No. 010-09 for Nichols Street Substation Transformer Restoration.

Adopted on this 12th day of October, 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 that the City of Fairhope accepts the Complete Streets Policy submitted by the City of Fairhope Pedestrian and Bike Trails Committee. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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RESOLUTION NO. 1570-09

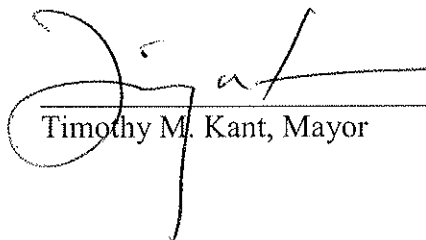
WHEREAS, The City of Fairhope Pedestrian and Bike Trails Committee drafted a Complete Streets Policy and presented the following policy at the September 8, 2009 Planning & Zoning Commission meeting:

“Whereas the City of Fairhope supports construction of streets to enable safe access for all users, including motorists, pedestrians, bicyclists, and public transportation, the City of Fairhope will consider these practices when undertaking construction, reconstruction and repair of our roadways.”

WHEREAS, the Planning & Zoning Commission adopted the Complete Streets policy as drafted; and

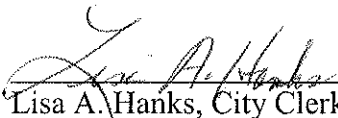
NOW BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope accepts The Complete Streets Policy which has been submitted to and adopted by the City of Fairhope Planning & Zoning Commission.

DULY ADOPTED THIS 12TH DAY OF OCTOBER, 2009



Timothy M. Kant, Mayor

Attest:



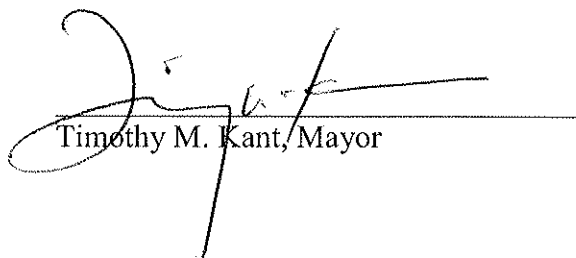
Lisa A. Hanks, City Clerk

Councilmember Mixon introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope supports and consents to the Eastern Shore Trail being recognized as a National Recreation Trail and part of the National Trails System. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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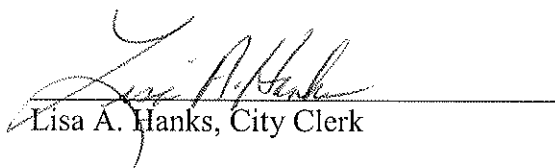
RESOLUTION NO. 1571-09

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope supports and consents to the Eastern Shore Trail being recognized as a National Recreation Trail and part of the National Trails Systems.

Adopted this 12th day of October, 2009

Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, City Clerk

Chief Bill Press addressed the City Council for any additional clarifications of the ordinance. Council President Quinn read parts of a letter submitted by Jim Horner and Chief Press addressed those issues in the letter. After further discussion, Councilmember Mixon moved for final adoption of Ordinance No. 1401, an Ordinance to amend and add to Article I, In General, Sections 12-3, 12-4, 12-5.1, 12-5.2, and 12-5.3, relating to the Noise Section of the Fairhope Code of Ordinances. (Introduced at the September 28, 2009 City Council meeting) Seconded by Councilmember Kingrea, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Mixon, Ford and Kingrea. NAY - None ABSTAIN - Stankoski.

Councilmember Kingrea stated he wanted to get an Attorney General's Opinion on the Ordinance.

City Council reviewed an application for a Special Retail License by William Boyd Little of Oak Hollow Farms, Inc. located at 14210 Greeno Road, Fairhope, Alabama. Councilmember Ford moved to approve the issuance of the license. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

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Councilmember Mixon moved to pay bills as presented. Motion seconded by Councilmember Stankoski. Discussion of the extreme cost of legal fees led to Councilmember Kingrea requesting Gregg Mims, City Administrator, and Marion Wynne, City Attorney, to examine and report back to the Council. The motion passed unanimously by voice vote.

Jane Finger of Smartcoast addressed the City Council to thank them for approving the Complete Streets Policy.

Charlene Lee of Smartcoast addressed the City Council regarding the Complete Streets Policy. She said that Fairhope is the first city in Alabama to adopt this type of policy and she hopes other cities and counties will follow suit.

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 6:50 p.m.



Debbie W. Quinn, Council President



Emily Boyett, Acting City Clerk