

STATE OF ALABAMA            )  
  :  
COUNTY OF BALDWIN        )

The City Council, City of Fairhope, met in regular session at 5:34 p.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Monday, 10 September 2007.

Present were Council President Robert C. Gentle, Councilmembers: Debbie W. Quinn, Daniel Stankoski, Cecil Christenberry, and Michael A. Ford; Mayor Timothy M. Kant, City Attorney Marion E. Wynne, and Assistant City Clerk Lisa A. Hanks. City Clerk Geniece W. Johnson was absent.

There being a quorum present, Council President Gentle called the meeting to order. The Pledge of Allegiance was recited, and Dr. Tim Patrick, pastor of Faith Baptist Church, gave the invocation. Councilmember Christenberry moved to approve minutes of the August 27, 2007, regular meeting. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Mayor's Comments and Staff Reports:

- Mayor Kant addressed the City Council with the following comments:
  1. Budget
    - a. 2 mils reduction – a one time tax cut
    - b. 4% cost of living raise for staff
    - c. Total budget \$52,202,506 with net earnings of \$2,462,604
  2. Growth Issues
    - a. We are a community
      - Schools
      - Grand Hotel
      - Recreation Department/Activities
      - Library
    - b. Using our utilities to make someone annex into the city is wrong
    - c. We need to work with our communities and our elected representatives to address land use issues
    - d. Even when there is zoning – it can be changed
  3. County Road 13 to Highway 181 -- How we can solve and concerns about both.

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4. Hotel – Oak tree issue should come before the City Council. Large oak tree is on site for hotel construction.
5. Library - \$125,000 – Need fundraises; also, asked Nancy Wilson to address the City Council regarding the Library line of credit to payoff principal.

Council President Gentle asked for questions or comments regarding Mayor Kant's comments. Councilmember Ford stated that County Road 13 was backed by the City Council years ago and now the cost has increased by \$4,000,000. We need to tell the County to go on and get to work on it. When County Road 181 gets shut down, we will need County Road 13.

Council President Gentle said; you need to talk to Auburn. Councilmember Ford restated let's go ahead with road and Councilmember Stankoski agreed. Councilmember Christenberry said we have not talked about this issue for a while. Councilmember Ford stated that we still want this road. Councilmember Quinn said they should reevaluate the wetlands along Fly Creek that impact not only the Yacht Club, but also the surrounding areas.

Council President Gentle said to Councilmember Ford that this is not where we should be talking about the County Road 13 issue and asked Councilmember Ford if wanted to be heard and Council would have to vote on the add on. Councilmember Ford said yes, he would like to address the Council.

Mayor Kant presented the following Proclamation, proclaiming September 10, 2007 as Vann Saltz Day.

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**PROCLAMATION**

**VANN SALTZ DAY**

WHEREAS, VANN SALTZ IS RETIRING AND CLOSING HIS FAMILY BUSINESS, EASTERN SHORE SPORTING GOODS, AFTER THIRTY-TWO YEARS OF BUSINESS IN FAIRHOPE, AS OF SEPTEMBER 22,2007; AND

WHEREAS, VANN HAS BEEN AN ENTHUSIASTIC AND HARDWORKING MEMBER OF MANY CIVIC, SCHOOL, CHURCH AND CHARITABLE ORGANIZATIONS OVER THE YEARS; AND

WHEREAS, HE HAS EARNED THE AFFECTION OF A HOST OF AREA RESIDENTS WHO ARE PROUD TO CALL HIM "FRIEND", AND HIS DEDICATION TO THE BEST INTERESTS OF THE COMMUNITY HAS WON THE HIGH REGARD OF ALL HIS ASSOCIATES.

NOW THEREFORE, BY VIRTUE OF THE AUTHORITY VESTED IN ME AS MAYOR, I DO HEREBY PROCLAIM SEPTEMBER 10, 2007, AS **VANN SALTZ DAY** IN FAIRHOPE COMMENDING HIM FOR HIS MANY CONTRIBUTIONS TO THE PROGRESS OF THIS COMMUNITY AND EXTENDING MY PERSONAL BEST WISHES AND THOSE OF ALL OUR CITIZENS TO HIM, HIS WIFE, AND FAMILY FOR MANY YEARS OF HAPPINESS IN THE FUTURE.

Councilmember Stankoski introduced an ordinance replacing Ordinance No. 1220 to protect the public health, safety and welfare by providing policy and procedure for sidewalk and/or street usage within the City of Fairhope. Sherry Sullivan briefly explained the ordinance and changes that were being made. She stated that her department was taking a lot of heat from merchants due to closing the streets early and the last quarter of the year is hitting their pockets. Council President Gentle asked about the 75% toward charitable contributions and how they came up with it. Marion Wynne, City Attorney, said this was not violating any law. This ordinance will layover for final adoption at the next regular City Council meeting.

Councilmember Christenberry introduced an ordinance replacing Ordinance No. 1221 to protect the public health, safety and welfare by providing policy and procedure for park usage within the City of Fairhope with the addition of the paragraph for alcoholic beverages. Sherry Sullivan briefly explained the ordinance and changes that were being made. Alcohol is an issue for our parks, especially large venues. This ordinance will layover for final adoption at the next regular City Council meeting.

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Councilmember Christenberry introduced in writing Ordinance No.1343, an ordinance to protect the health, safety and general welfare of the people, declaring a moratorium on the building of modular buildings within the City limits and the one and one-half mile permitting jurisdiction. Chris Gill briefly explained the moratorium for modular homes is 120 days. There is no law regarding zoning modular homes. Council President asked is it two units hooked together and looks like a double wide home? Chris Gill answered yes. Mr. Gill also said these are manufactured in a factory controlled environment. It could be built on bricks, just with no wheels. We are establishing a new law. Councilmember Ford asked how are these zoned now? Mr. Gill stated as multi family. Councilmember Stankoski commented he built a modular home in 1978 and it is still standing.

After further discussion, In order to take immediate action, Councilmember Stankoski moved for immediate consideration. Seconded by Councilmember Christenberry, motion for immediate consideration passed unanimously by the following voice votes: AYE-Quinn, Stankoski, Christenberry, Ford and Gentle. NAY-None. Councilmember Quinn then moved for final adoption of Ordinance No. 1343. Seconded by Councilmember Christenberry, motion for final adoption passed unanimously by the following voice votes: AYE-Quinn, Stankoski, Christenberry, Ford, and Gentle. NAY-None.

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution removing the Moratorium on issuance of building permits to any properties abutting U.S. Highway 181 within the City's corporate limits and its police jurisdiction. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

**RESOLUTION NO. 1406-07**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF FAIRHOPE, ALABAMA  
TO AMEND RESOLUTION NO. 1366-07, ADOPTED APRIL 9, 2007**

WHEREAS, the City Council of the City of Fairhope, Alabama (the "City") adopted Resolution No. 1333 on December 11, 2006, which, among other things, imposed a moratorium on the issuance of building permits to any properties abutting U.S. Highway 181 within the City's corporate limits and its police jurisdiction until the City receives the Access Management Plan requested from the Alabama Department of Transportation (the "Moratorium"); and

WHEREAS, the City Council of the City of Fairhope, Alabama (the "City") amended Resolution No. 1333 with the adoption of Resolution No. 1366-07 on April 9, 2007, which, among other things, imposed a moratorium on the issuance of building permits to any

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properties abutting U.S. Highway 181 within the City's corporate limits and its police jurisdiction until the City receives the Access Management Plan requested from the Alabama Department of Transportation (the "Moratorium"); and

WHEREAS, the City has determined that several exceptions can be made to the Moratorium without having any impact on traffic on U.S. Highway 181.

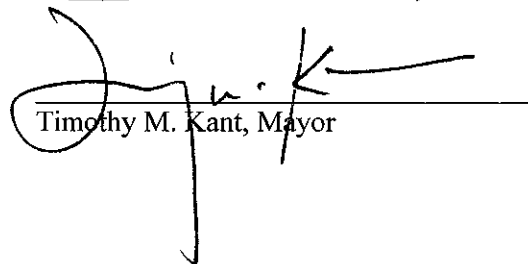
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA,

Section 1. To hereby remove the 181 permit moratorium subject o the approval of all ingress and egress requested in the City of Fairhope permit jurisdiction by Sain & Associates Inc. during the balance of the access management plan study period.

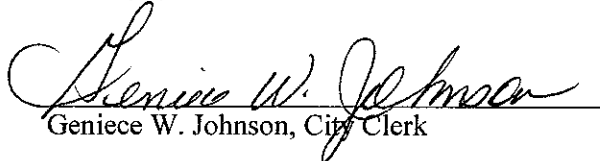
Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-exemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date: This Resolution shall be effective immediately upon passage.

ADOPTED BY THE CITY COUNCIL AT A  
REGULAR MEETING THEREOF ON THE 10th DAY OF SEPTEMBER, 2007.

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

ATTEST:

  
\_\_\_\_\_  
Geniece W. Johnson, City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to execute a contract between the City of Fairhope, Alabama Department of Transportation, and Sain Associations Inc. for the development of Access Management Plan for State Highway 181. The City of Fairhope portion shall not exceed \$30,000.00. The total amount of this project is \$89,989.00 (ST-002-181-002). Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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**RESOLUTION NO. 1407-07**

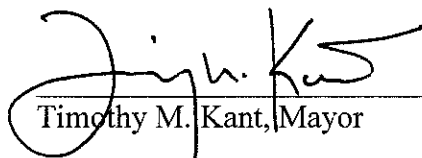
**WHEREAS,** The City of Fairhope shall enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation, and Sain Associates Inc. for the development of Access Management Plan for State Highway 181. (ST-002-181-002 Baldwin County)

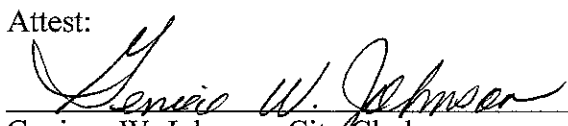
**WHEREAS,** The cost of this project shall not exceed \$30,000.00

**WHEREAS,** The total cost of the project will be paid by ALDOT, the City of Daphne, and the City of Fairhope

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, FAIRHOPE, ALABAMA,** that Mayor Timothy M. Kant is hereby authorized to execute a contract between the City of Fairhope, Alabama Department of Transportation, and Sain Associations Inc. for the development of Access Management Plan for State Highway 181 in the amount of \$89,989.00 (ST-002-181-002)

Adopted This 10th Day of September 2007.

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

Attest:  
  
\_\_\_\_\_  
Geniece W. Johnson, City Clerk

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I, Geniece W. Johnson, duly appointed City Clerk of the City of Fairhope, Alabama, do hereby certify that the above Resolution No. 1407-07 is a true and correct copy of a resolution passed and approved by the City Council of the City of Fairhope, Alabama, on the 10<sup>th</sup> day of September 2007.

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Geniece W. Johnson, City Clerk

Date

Councilmember Christenberry introduced in writing, and moved for the adoption of the following resolution, a resolution replacing Resolution No. 1038 setting forth the rules and regulations for the operation of The Fairhope Municipal Civic Center Complex located at 161 N. Section Street, Fairhope, Alabama. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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**RESOLUTION NO. 1408-07**

**A RESOLUTION REPLACING RESOLUTION NO. 1038 SETTING FORTH  
THE RULES AND REGULATIONS FOR THE OPERATION OF THE  
FAIRHOPE MUNICIPAL CIVIC CENTER COMPLEX LOCATED AT 161 N.  
SECTION STREET, FAIRHOPE, ALABAMA.**

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

- I. The facilities located in the Municipal Civic Center Complex, namely the Main Auditorium, **the Lobby**, the Council Chambers (Municipal Court), and the Delchamps Suites will be regulated as outlined herein.
- II. RESERVATIONS
  1. Reservations shall be on a first come, first served basis, except for Governmental functions which shall take precedence over all other functions and may necessitate the cancellation or postponement of an event.
  2. Persons or groups wishing to reserve one or more of the facilities must complete, **date, and sign an Application for Use of Fairhope Civic Center form, Cancellation Policy, Indemnity/Hold Harmless Agreement, and pay the required **rental deposit in order for the reservation to be entered on the Activities Calendar located at the Fairhope Civic Center.** No reservations will be confirmed until the deposit is paid.**
  3. **Cancellations or date changes** must be in writing and **signed by the same person who signed the application and paid the rental fees and must be given to the Banquet Manager at the Fairhope Civic Center** not less than thirty (30) days prior to the event **for any refund to be given.** Fee refunds will be made by check, less a \$10.00 or 20% handling charge, whichever is greater. **No refunds will be made for cancellations made within 30 days of the event.**
  4. Groups that have events that occur annually and have rented the auditorium for at least five consecutive years shall have the right for advance booking provided that the date is requested and deposit paid prior to the current event.

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5. Religious groups may use the complex facilities for meetings, conventions, dinners, etc., but will not be permitted use of any part of the facility as a permanent sanctuary on a regular Sunday or weekday basis.
6. **Rental rates shall be per day as follows:**
  - a. Main Auditorium, \$485.00; Lobby, \$125.00; Council Chambers, \$50.00; Delchamps Room, \$40.00.
  - b. **An hourly rate of \$20.00 per hour will be charged for each consecutive hour of use after 5:00 p.m. on weekdays and all day on weekends from the time the first person arrives until the last person leaves. This hourly charge will be \$50.00 per hour on recognized City holidays.**
7. **The rental fee includes tables, chairs, and a one-time set-up. Audio/visual equipment is also available upon request.**
8. From 8:00 a.m. until 5:00 p.m. on regular working days of the City of Fairhope, when it is not being used by a paying group, **the Fairhope Civic Center** may be used by:
  - a. the Fairhope Public Schools, when the principal **requests, in writing, such use and rental fee waiver and the Banquet Manager approves such use as one that will not interfere with the regular operations of the Fairhope Civic Center.**
  - b. Thomas Hospital, as long as it remains a not for profit community hospital, **and the Administrator of the Hospital requests, in writing, such use and rental fee waiver, and the Banquet Manager approves such use as one that will not interfere with the regular operations of the Fairhope Civic Center.**
  - c. any Fairhope community organization, whether civic or otherwise, which is not a commercial venture for private gain, and pays a membership fee of **\$100.00** a year which will allow said member organization use of the facility for free (except for the Auditorium) **as long as their use will, at the Fairhope Civic Center Banquet Manager's opinion, not interfere with the regular operations of the Fairhope Civic Center.** This includes civic groups, churches, or clubs such as coffee clubs, investment groups, interest clubs, etc.



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- d. After 5:00 p.m., the Fairhope Public Schools, **Thomas Hospital, or the Baldwin Pops (one weekday evening each week)** may use the Fairhope Civic Center with a waiver of rental fees provided it has not been booked by a paying customer.
9. **Any and all requests for a waiver of rental fees must be in writing with a signature, and** a waiver of rental fees does not mean a waiver of cleaning fees and hourly fees. Cleaning fees and hourly fees will still apply to **any and all groups renting the facility.**
10. The Mayor and the City Budget and Finance Committee, which is made up of three city council members, have sole discretion to waive the rental fee for other non-profit groups who they deem to be offering a service for the Fairhope Citizens.
11. The City of Fairhope, its departments and agencies, and city sponsored functions shall be exempt from rental fees provided the functions will improve the skills, finances, or betterment of the sponsoring department or portray the City of Fairhope in the best light for the good and benefit of the citizens of Fairhope. This does not relieve the said departments from clean-up, and security responsibilities.

### III. RULES AND REGULATIONS

1. The number of Auditorium seating is to be given at the time of booking. Maximum seating and/or crowd capacity will be as per the Fire Code. Fire and exit lanes will be open at all times. Chairs will not be disconnected and moved into aisles.
2. Access to the building must be arranged with the **Banquet Manager.**
3. Persons or groups renting the Main Auditorium, Council Chamber, and/or Delchamps Suites shall have exclusive use of the Civic Center parking lot with exception of the spaces required by City Hall and the Fairhope Public Library.
4. Law Enforcement Personnel and/or chaperons must be approved by the Fairhope Chief of Police and will be present during entire event. **Events requiring Law Enforcement Personnel and/or chaperons include any event open to the public where alcohol is being served,**

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**any school function, or any function at which security is deemed necessary by the Banquet Manager.**

5. The Banquet Manager will be the final authority regarding decorations:
  - a. Decorations must be placed on the day of the event. No equipment or materials will be allowed to be placed prior to the day and time of use unless approved by the Banquet Manager.
  - b. No painting of any type will be permitted inside the facility.
  - c. All decorations are to be free-standing or approved by the Banquet Manager. No nails, tacks, brackets or self-adhesive tape will be allowed on or in the walls, ceilings, floors, or any material that will deface, mar, or damage a finished surface.
  - d. No shaving cream, toilet paper, silly string, rice, birdseed, **sparklers, glitter, confetti (including decorative jewels)**, or the like will be thrown or used for decoration inside or outside the facility. **All candles must be self-contained. If any of these is found on the floor there will be additional clean-up/damage fees.**
  - e. **Only rose petals, lavender, or bells are permitted at the Fairhope Civic Center when the bride and groom are leaving after a reception.**
  - f. All decorations must be removed following an event before the renter leaves the premises. Decorations that are to be shared with other groups may be left in place if prior arrangements are made with and approved by the Banquet Manager.
6. In order to maintain health standards as required by state and county regulations, all users of the kitchen must comply with the following:
  - a. All pots, pans, trays, plates, saucers, cups, serving dishes, glasses, and silverware will be washed before use.
  - b. After food serving has been completed, and before leaving the complex, all items listed in 5.a. will be washed and separated (all spoons together, etc.) and stored in proper locations as found prior to use. Tables will be cleaned.

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- c. **The kitchen, along with its appliances and equipment, will be used only in conjunction with the rental of the Auditorium or by City Personnel.**
  - d. **Alcohol must be served by a licensed bartender or caterer. If a cash bar is used or alcohol is sold, renter/caterer must show proof of proper ABC licensure.**
  - e. The renter and/or caterer serving food/drink will furnish own pots, pans, trays, plates, saucers, cups, serving dishes, glasses, and silverware **all of which will be washed before use.**
  - f. All equipment, including **utility carts**, coffee and tea urns, will be cleaned after use.
  - g. All appliances including stoves, ovens, microwaves, refrigerators, sinks, work areas, utility carts, and slicing equipment will be cleaned after use.
  - h. **Grease shall be disposed of properly by renter or caterer.**
  - i. **It is the responsibility of the renter to inform the caterer and other vendors of the rules and regulations. The caterer and/or renter are responsible for ensuring that the kitchen is clean and returned back to us as delivered. The Banquet Manager can provide a detailed list of responsibilities.**
7. No food or drink will be allowed in the Council Chambers.
8. Garbage and Debris:
- a. All loose debris, including cups, plates, and napkins must be removed from tables and the floor swept of debris.
  - b. Only garbage bags and dishtowels will be furnished by the City. Any other accessories will not be furnished by the City.
  - c. All garbage and debris will be removed from the building **by the renter as needed during and at the close of the function.**
  - d. **All garbage bags must be tied** and placed in the garbage containers provided outside the facility.

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- e. The City will not clean up debris left by a decorating group. All debris is to be hauled off by the renter.
9. Permission from the Banquet Manager will be required for any person or group to bring into the building and use an appliance with special power requirements.
10. Stage light settings will be accomplished by auditorium users, and, when function is over, light must be reset for general use. Step ladders will be returned to storage place after use.
11. The only persons allowed in the sound equipment room upstairs will be the persons in charge of the activity and persons required to operate sound and light systems. A \$30.00 per hour charge will be required for the use of stage lights and operator.
12. **A fee will be charged for use of the piano.** The piano will remain on stage at all times. Nothing will be placed or stored in or on this instrument.
13. **If children are present during your function, they must be supervised at all times. Any damaged or broken items caused from lack of supervision will be the renter's responsibility.**
14. All personal equipment, supplies, decorations, and other materials will be removed at the close of the activity.
15. No inventory items, such as chairs, tables, podiums, movie projectors, screens, kitchen utensils, pots, pans, silverware, dishes, etc. will be loaned or permitted to be removed from the premises under any condition.
16. **All groups and organizations are responsible for their own clean-up of the kitchen, decorations, garbage, and debris. Anything brought in by the renter and/or caterer must be removed by the renter and/or caterer. It is the responsibility of the renter to ensure that the Rules and Regulations are adhered to. The Banquet Manager will review the clean-up schedule prior to the function and will conduct an inspection after the function to assess whether or not additional clean-up fees will be charged. An additional clean-up fee at the rate of \$20.00 per hour will be charged for any time and/or required personnel necessary to complete the responsibilities of the renter.**

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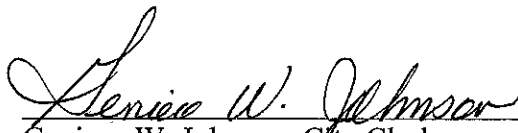
17. **Additional fees will be charged for any damaged or missing items which include, but are not limited to, any broken or missing items from the facility, and carpet and/or tile restoration (coolers and other heavy equipment may not be dragged across the floors at the Fairhope Civic Center.**
  
18. **The Fairhope Municipal Civic Center Complex is a smoke-free facility. In compliance with City Ordinance No. 1311, "smoking is prohibited within a reasonable distance often (10) feet outside an enclosed area where smoking is prohibited, so as to ensure that tobacco smoke does not enter the area through entrances, windows, ventilation systems or other means." It is the renter's responsibility to ensure that all personnel at their function are made aware of this Ordinance.**

The Council reserves the right to amend, delete, adjust, or waive any and all stipulations set out herein.

ADOPTED this 10th day of September, 2007.

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

Attest:

  
\_\_\_\_\_  
Geniece W. Johnson, City Clerk

Councilmember Christenberry introduced in writing, and moved for the adoption of the following resolution, a resolution replacing Resolution No. 1074-04 setting forth the rules and regulations for the operation of The James P. Nix Center Complex located at One Bayou Drive, Fairhope, Alabama. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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**RESOLUTION NO. 1409-07**

**A RESOLUTION REPLACING RESOLUTION NO. 1074-04 SETTING FORTH THE RULES AND REGULATIONS FOR THE OPERATION OF THE JAMES P. NIX CENTER COMPLEX LOCATED AT ONE BAYOU DRIVE, FAIRHOPE, ALABAMA.**

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

- I. The Fairhope Senior Citizen Department will have priority use of the James P. Nix Center. The Main Ballroom and the Doris Chennell Room may be rented to individuals or groups when available.
- II. RESERVATIONS
  1. Reservations shall be on a first come, first served basis, except for Governmental functions which shall take precedence over all other functions and may necessitate the cancellation or postponement of an event.
  2. Persons or groups wishing to reserve one or more of the facilities must complete, **date, and sign an Application for Use of Activity Center form, Cancellation Policy, Indemnity/Hold Harmless Agreement,** and pay the required **rental deposit in order for the reservation to be entered on the Activities Calendar located in the James P. Nix Center.** No reservations will be confirmed until the rent is paid.
  3. **Cancellations or date changes** must be in writing **and signed by the same person who signed the application and paid the rental fees and must be** given to the Banquet Manager at the James P. Nix Center not less than thirty (30) days prior to the event **for any refund to be given.** Fee refunds will be made by check, less a \$10.00 or 20% handling charge, whichever is greater. **No refunds will be made for cancellations made within 30 days of the event.**
  4. Groups that have events that occur annually and have rented the auditorium for at least five consecutive years shall have the right for advance booking provided that the date is requested and deposit paid prior to the current event.

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5. Religious groups may use the complex facilities for meetings, conventions, dinners, etc., but will not be permitted use of any part of the facility as a permanent sanctuary on a regular Sunday or weekday basis.
6. **Rental rates shall be as follows:**
  - a. Ballroom, \$485 per day; Doris Chennell Room, \$385 per day or \$100 per hour.
  - b. **An hourly rate of \$20 per hour will be charged for each consecutive hour of use after 5:00 p.m. on weekdays and all day on weekends from the time the first person arrives until the last person leaves. This hourly charge will be \$50.00 per hour on recognized City holidays.**
7. **The rental fee includes tables, chairs, one-time set-up, and kitchen with its appliances and ice machine. Audio/visual equipment is also available upon request.**
8. From 8:00 a.m. until 5:00 p.m. on regular working days of the City of Fairhope, when it is not being used by a paying group, the Nix Center may be used by:
  - a. the Fairhope Public Schools, when the principal **requests, in writing**, such use and rental fee waiver and the Director approves such use as one that will not interfere with the regular operations of the Nix Center.
  - b. Thomas Hospital, as long as it remains a not for profit community hospital, and the Administrator of the Hospital **requests, in writing**, such use and rental fee waiver, and the Director approves such use as one that will not interfere with the regular operations of the Nix Center.
  - c. any Fairhope community organization, whether senior or otherwise, which is not a commercial venture for private gain, and pays a membership fee of **\$100.00** a year which allows said member organization use of the facility for free, as long as their use will, at the Nix Center Director's opinion, not interfere with the regular operations of the Nix Center. This includes civic groups, churches, or clubs such as coffee clubs,

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investments clubs, etc. Clubs whose members are all members of the Nix Center do not have to pay the \$100.00 a year membership fee.

d. After 5:00 p.m., only the Fairhope Public Schools or Thomas Hospital may use the Nix Center with a waiver of rental fees provided it has not been booked by a paying customer.

11. **Any and all requests for a waiver of rental fees must be in writing with a signature, and** a waiver of rental fees does not mean a waiver of cleaning fees and hourly fees. Cleaning fees and hourly fees will still apply to **any and all groups renting the facility.**
12. **The Mayor and the City Budget and Finance Committee, which is made up of three city council members, have sole discretion to waive the rental fee for other non-profit groups whom they deem to be offering a service for the Fairhope Citizens.**
13. **The City of Fairhope, its departments and agencies, and city sponsored functions shall be exempt from rental fees provided the functions will improve the skills, finances, or betterment of the sponsoring department or portray the City of Fairhope in the best light for the good and benefit of the citizens of Fairhope. This does not relieve the said departments from clean-up, cleaning fees, security responsibilities or any of the Rules & Regulations set forth in this Resolution.**

### III. RULES AND REGULATIONS

1. The number of Ballroom seating is to be given at the time of booking. Maximum seating and/or crowd capacity will be as per the Fire Code. Fire and exit lanes will be open at all times. Chairs will not be disconnected and moved into aisles.
2. Access to the building must be arranged with the Banquet Manager.
3. **Members and guests of the James P. Nix Center shall have priority of parking spaces. During normal operating hours, 8:00 a.m. until 5:00 p.m., renters may use the parking area across the street from the Nix Center on Bayou Drive.**
4. Law Enforcement Personnel and/or chaperons must be approved by the Fairhope Chief of Police and will be present during entire event.



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**Events requiring Law Enforcement Personnel and/or chaperons include any event open to the public where alcohol is being served, any school function, or any function at which security is deemed necessary by the Banquet Manager.**

5. The furniture, tables and chairs in the Doris Chennell Room will not be moved. Tables and chairs may be moved in the Ballroom by renters.
6. The Banquet Manager will be the final authority regarding decorations:
  - a. **The James P. Nix Center does not provide cloth linens. However, paper tablecloths are available for a small fee.**
  - b. Decorations must be placed on the day of the event. No equipment or materials will be placed in the Ballroom or in the Doris Chennell Room prior to the day and time of use unless approved by the Banquet Manager.
  - c. No painting of any type will be permitted inside the facility.
  - d. All decorations are to be free-standing or approved by the Banquet Manager. No nails, tacks, brackets or self-adhesive tape will be allowed on or in the walls, ceilings, floors, or any material that will deface, mar, or damage a finished surface.
  - e. No shaving cream, toilet paper, silly string, rice, birdseed, **sparklers, glitter, confetti (including decorative jewels), or the like** will be thrown or used for decoration inside or outside the facility. **All candles must be self-contained. If any of these is found on the floor there will be additional clean-up/damage fees.**
  - f. **Only rose petals, lavender, or bells are permitted at the James P. Nix Center when the bride and groom are leaving.**
  - g. All decorations must be removed following an event before the renter leaves the premises. Decorations that are to be shared with other groups may be left in place if prior arrangements are made with and approved by the Banquet Manager.

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7. In order to maintain health standards as required by state and county regulations, all users of the kitchen must comply with the following:
  - a. All pots, pans, trays, plates, saucers, cups, serving dishes, glasses, and silverware **belonging to the James P. Nix Center are to be used by City Personnel only and are to be washed before use.**
  - b. After food serving has been completed, and before leaving the complex, all items **listed in 7.a.** will be washed and separated (all spoons together, etc.) and stored in proper locations as found prior to use. Tables will be cleaned.
  - c. The kitchen, along with its appliances and equipment, will be **used only by City Personnel or in conjunction with the rental** of the Ballroom or the Doris Chennell Room.
  - d. **The renter must provide a licensed catering service for their event.** The renter and/or caterer serving food/drink will furnish own pots, pans, trays, plates, saucers, cups, serving dishes, glasses, and silverware all of which will be washed before use.
  - e. **Alcohol must be served by a licensed bartender or caterer. If a cash bar is used or alcohol is sold, renter/caterer must show proof of proper ABC licensure.**
  - f. All equipment and appliances including stoves, ovens, microwaves, refrigerators, sinks, work areas, utility carts, slicing equipment, coffee and tea urns, **keg coolers, and ice chests** will be cleaned after use.
  - g. **Grease shall be disposed of properly by renter or caterer.**
  - h. **It is the responsibility of the renter to inform the caterer and other vendors of the rules and regulations. The caterer and/or renter are responsible for ensuring that the kitchen is clean and returned back to us as delivered. The Banquet Manager can provide a detailed list of responsibilities.**

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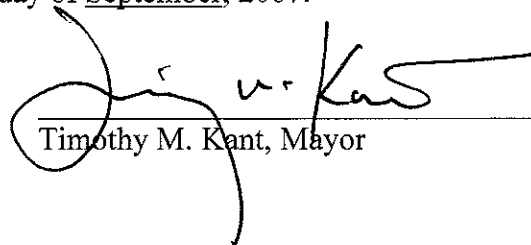
8. Garbage and Debris:
  - a. All loose debris, including cups, plates, napkins, **cans, and bottles** on tables, countertops, and other areas throughout the building must be removed and disposed of properly before leaving the premises.
  - b. Only garbage bags and dishtowels will be furnished by the City. **Any other accessories will not be furnished by the City.**
  - c. All garbage and debris will be removed from the building by **the renter as needed during and at the close of the function before leaving the premises.**
  - d. **All garbage bags must be tied** and placed in the garbage containers provided outside the facility.
  - d. The City will not clean up debris left by a decorating group. All debris is to be hauled off by the renter.
9. Permission from the Banquet Manager will be required for any person or group to bring into the building and use an appliance with special power requirements.
10. If a sound or lighting system is required it must be furnished by the renter.
11. **A fee will be charged for use of the piano. The piano will remain in the Ballroom at all times. Nothing will be place or stored in or on this instrument.**
12. **If children are present during your function, they must be supervised at all times. Any damaged or broken items caused from lack of supervision will be the renter's responsibility.**
13. All personal equipment, supplies, decorations, and other materials will be removed at the close of the activity.
14. No inventory items, such as chairs, tables, podiums, movie projectors, screens, kitchen utensils, pots, pans, silverware, dishes, etc. will be loaned or permitted to be removed from the premises under any condition.

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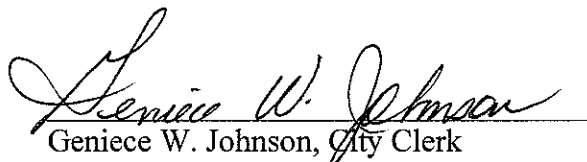
15. **All groups and organizations are responsible for their own clean-up of the kitchen, decorations, garbage, and debris. Anything brought in by the renter and/or caterer must be removed by the renter and/or caterer. It is the responsibility of the renter to ensure that the Rules and Regulations are adhered to. The Banquet Manager will review the clean-up schedule prior to the function and will conduct an inspection after the function to assess whether or not additional clean-up fees will be charged. An additional clean-up fee at the rate of \$20.00 per hour will be charged for any time and/or required personnel necessary to complete the responsibilities of the renter.**
16. **Additional fees will be charged for any damaged or missing items which include, but are not limited to, any broken or missing items from the facility, and carpet and/or tile restoration (coolers and other heavy equipment may not be dragged across the floors at the James P. Nix Center).**
17. **The James P. Nix Center is a smoke-free facility. In compliance with City Ordinance No. 1311, "smoking is prohibited within a reasonable distance often (10) feet outside an enclosed area where smoking is prohibited, so as to ensure that tobacco smoke does not enter the area through entrances, windows, ventilation systems or other means." The area around the fountain outside the main entrance is a designated smoking area. It is the renter's responsibility to ensure that all personnel at their function are made aware of and adhere to this Ordinance.**

The Council reserves the right to amend, delete, adjust, or waive any and all stipulations set out herein.

ADOPTED this 10th day of September, 2007.

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

Attest:

  
\_\_\_\_\_  
Geniece W. Johnson, City Clerk

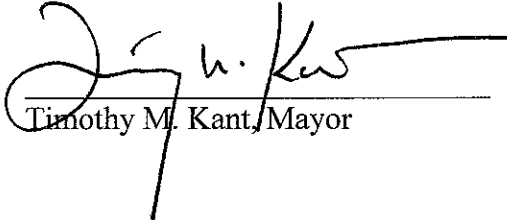
10 September 2007

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution approving and adopting the amended budget for FY 2006-2007. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

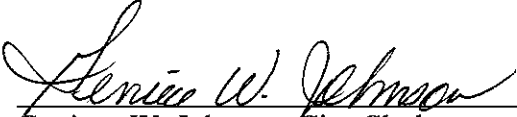
**RESOLUTION NO. 1410-07**

**BE IT FURTHER RESOLVED** by the Mayor and Council of the City of Fairhope, Alabama, that the Amended Budget presented and reviewed at the Finance Meeting on 27th day of August 2007, be hereby approved and adopted for FY 2006-2007; and

ADOPTED THIS 10TH DAY OF SEPTEMBER, 2007.

  
 Timothy M. Kant, Mayor

ATTEST:

  
 Geniece W. Johnson, City Clerk

City Council reviewed an application for a Restaurant Liquor License by Tammy Diane Middleton dba Gambino's, located at 18 Laurel Avenue, Fairhope, Alabama. Councilmember Christenberry moved to approve the issuance of the license. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

City Council reviewed an application for a Restaurant Liquor License by Roger N. Lartigue dba Lartigue's Seafood, Inc., located at 19344 Scenic Highway 98, Fairhope, Alabama. Due to questions that the Council had and Mr. Lartigue not present, this application will layover until the next regular City Council meeting.

City Council reviewed an application for a Beer/Wine On/Off Premises License by Roger N. Lartigue dba Lartigue's Seafood, Inc., located at 19344 Scenic Highway 98, Fairhope, Alabama. Due to questions that the Council had and Mr. Lartigue not present, this application will layover until the next regular City Council meeting.

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City Treasurer, Nancy Wilson addressed the Mayor and City Council to clarify the financial responsibility for Library construction debt. Ms. Wilson stated that she looked at the worse case scenario and came up with the \$1,458,578 amount. The principal balance due is \$1,290,000. Any additional amount needed would have to come to the City Council as a change order. We have the money and do not have to borrow for the City of Fairhope's obligations. Councilmember Ford asked so we only owe \$1,290,000? Ms. Wilson answered yes and stated we are paying interest monthly. Councilmember Ford commented that he was only making sure we were not setting a precedent for other loans.

Martin Lanaux from the Library Board addressed the City Council stating that unpaid invoices are around \$71,000 for several items, i.e. furniture. There will be a fundraiser tomorrow night at the Library called Read It and Eat from 6:00 p.m. until 8:00 p.m. Council President Gentle asked what was their goal for this year? Mr. Lanaux said no less than \$125,000 for the year.

Councilmember Quinn addressed the City Council requesting permission for staff to look at a variety of growth issues and bring back some basic information. Over the last several years, we have discussed growth issues. Citizens want to live near it, not in it. We need to look beyond the talk. I have talked with Gregg Mims and the Councilmembers regarding the County wanting to zone low-lying flood prone areas. It always helps to have information.

Gregg Mims, Planning Director, addressed several of the items regarding annexation that Councilmember Quinn mentioned. He stated that the Planning & Zoning jurisdiction based on the flood prone zoning by the County could have dueling jurisdictions and regulations. Chris Gill sent a letter to the County asking for specifics regarding their proposal to zone.

Councilmember Quinn moved to grant the request of Sherry Sullivan, Director of the James P. Nix Center, requesting permission to declare china, glasses, and silverware surplus in order to donate or sell to FEEF. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Councilmember Stankoski addressed the City Council and gave a report from The Street Committee, which met Monday, September 10, 2007 at 3:00 p.m. His presentation was on Traffic Surveys done on the following streets:

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1. Live Oak and Maple – This was tabled at the 5/24/07 meeting for further consideration. Police recommendation was no street closing; no speed bump; no cul-de-sac.
2. Use of Golf Carts and Utility Vehicles on city streets. This was brought up at the 6/25/07 Council meeting. Marion Wynne, City Attorney, reported saying that certain LSV's could be operated on city streets if they met state requirements for such vehicles. This was first questioned by Levern Haver as to why he could not drive his vehicle on city streets and other similar vehicles were being allowed. Craig Sawyer said he had a copy of an attorney general's opinion addressed to Colonel Byron Prescott, Director of the Alabama Department of Public Safety, pertaining to off road vehicles, and the police department recommends golf carts not be allowed. Electric vehicles if licensed as per state requirements i.e. lights, front and rear turn signals, tail lamps, stop lamps, reflectors, exterior mirror mounted on the drivers side, a parking brake, windshield, VIN, Seat belt. He said further that there are some licensed vehicles in the city. Mr. Haver questioned the city gator traveling on city streets, Ken Eslava said they are not supposed to be doing that and he will get with Jennifer and operators. Committee recommendation was golf carts not be used on city streets, LSV's if they meet state requirements and have licenses could and city gators not on Fairhope streets. Police recommendation was not to use on city streets.
3. Woodlands/Veterans Dr/Turn lanes Greeno & Hwy 104/Roundabout Steve Commander of Volkert & Associates gave a report saying they met with the state and he has submitted plans back to them, instead of the roundabout they are proposing a widened right turn lane at Veterans Drive and Main Street; at Hwy 98 and 104 will include double left turn lanes for traffic turning north going east on 104 at Hwy 98, new traffic signal and additional turn lanes on the east of the same intersection. At Woodlands intersection there will be a right in and right out turn lane but traffic on Veterans Drive will be two way but when traffic gets to four lane they will not be able to cross the median going north, only be allowed to turn right. Discussion led to comment that the Council needs to authorize the engineer to go out on bids pending approval of plan by ALDOT if they approve of what presented at Council meeting scheduled tonight.
4. County request to accept Thompson Hall Road immediately for maintenance and for traffic survey. Ken Eslava reported that Joey Nunnally was present from the County and that the County had requested we accept the ROW on Thompson Hall Road. He said there is a drainage issue but is asking that we work with them and not require a two year maintenance warranty. Discussion led to agreement that City will accept immediately once the County has

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addressed the drainage issue and done overlay, we won't have to wait two years. Regarding request for traffic study, the County said they had just done one and would be glad to share the information with us.

5. Falls Creek Subdivision – Request cut thru traffic increasing because of Wal-Mart. Traffic survey completed and Police recommendation is placing two “No Thru Street” signs - Police reported signs are installed
6. Pleasant and Michigan – Request for speed bumps. Traffic survey done and police Department putting Four Way Stop sign at Pleasant and Michigan – Police reported installation of signs
7. Lawrence Road request for “speed bump” – Traffic survey done – Police reported it is outside the City Limits
8. K-1 Center Stop sign – Traffic Survey done – permanent stop sign will be put up.
9. Quail Creek Drive Stop sign – Police reported no need for stop signs at this time.

Bob Gentle asked about the raising of the speed limit on Boothe Road. Ken Eslava said the County did this, it is a County Road and they like to take care of their own roads.

After further discussion Councilmember Stankoski moved to authorize Mayor Kant to write a letter to Alabama Department of Transportation to express an interest in entering into an agreement with ALDOT for the new improvements at State Highway 104 and U.S. Highway 98 aka Greeno Road.

The new improvements are:

1. At the intersection of Section Street, Veteran's Drive, State Highway 104, and Main Street, in lieu of a round-a-bout at this time a right turning lane onto State Highway 104 will be installed. This will be a city project, funded fully by the City of Fairhope.
2. At the intersection of State Highway 104 and U. S. Highway 98 aka Greeno Road a new traffic signal will be installed with turning arrows. Two new north bound left turning lanes will be installed, and on the East side of the same intersection two new north bound right turning lanes will be installed. This project will be funded 50/50 between the City of Fairhope and Alabama Department of Transportation.



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3. At the end of Veteran's Drive no left turns north onto U.S. Highway 98 will be allowed, only right turn which will lead to State Highway 104 where u-turns can be made. Traffic traveling south on U.S. Highway 98 will still be allowed to take the Veteran's Drive fork leading to downtown Fairhope.

Once the agreement between the City of Fairhope and ALDOT is received it will come before the City Council for approval. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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

Councilmember Christenberry moved to add on the following resolution requested by Councilmember Ford pertaining to County Road 13. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Ford stated that County Road 13 should be placed there over wetlands and animals. Council President Gentle said if there is a covenant it is between the buyer and seller, not the City of Fairhope. We need to vote on a resolution to move forward on the issue. Councilmember Quinn stated I am against County Road 13 due to environmental issues. Councilmember Ford commented we want the road and should get with it.

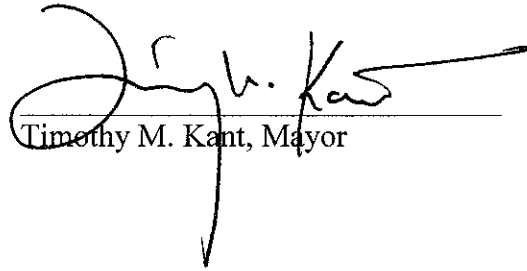
After further discussion Councilmember Ford introduced and moved for the adoption of the following resolution which was not in writing, a resolution authorizing Mayor Timothy M. Kant to write a letter to Dr. Ed Richardson with Auburn University and to Wayne A. Gruenloh, Chairman of the Baldwin County Commission, informing them that the Fairhope City Council reaffirms its support to the opening of County Road 13 from Highway 104 North and requesting that Auburn sell the necessary right-of-way at fair market value to any governmental agency that is in a position to build the road. Seconded by Councilmember Stankoski, motion passed by the following voice vote: AYE Stankoski, Christenberry, Ford, and Gentle. NAY-Quinn.

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RESOLUTION NO. 1411-07

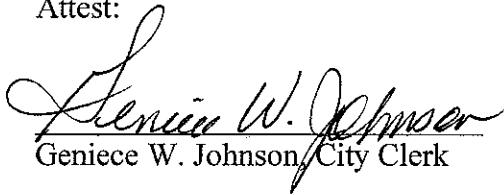
**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Timothy M. Kant is hereby authorized to write a letter to Dr. Ed Richardson with Auburn University and to Wayne A. Gruenloh, Chairman of the Baldwin County Commission, informing them that the Fairhope City Council reaffirms its support to the opening of County Road 13 from Highway 104 North and requesting that Auburn sell the necessary right-of-way at fair market value to any governmental agency that is in a position to build the road.

Adopted this 10th day of September, 2007.



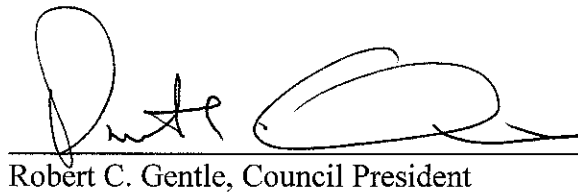
\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:

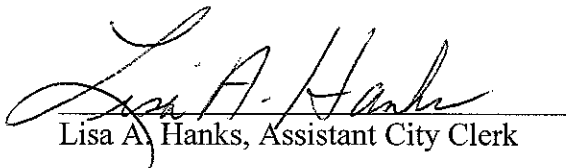


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Geniece W. Johnson, City Clerk

There being no further business to come before the City Council, the meeting was duly adjourned at 7:29 p.m.



\_\_\_\_\_  
Robert C. Gentle, Council President



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Lisa A. Hanks, Assistant City Clerk