

STATE OF ALABAMA)
 :
 COUNTY OF BALDWIN)

The City Council, City of Fairhope, met in regular session at 5:30 p.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Monday, 28 April 2008.

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 invocation was given by Dr. John Alford, Pastor of Fairhope Christian Church, and the Pledge of Allegiance was recited. Councilmember Quinn moved to approve minutes of the April 14, 2008, regular meeting. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Sherry Sullivan made the following announcements:

- Community Blood Drive with Life South Community Blood Services will be held Wednesday, April 30, 2008 at the Nix Center from 9:00 a.m. to 5:30 p.m.
- Mayor's Prayer Breakfast is Thursday, May 1, 2008 at the Grand Hotel at 7:30 a.m.

Mayor's Comments and Staff Reports:

- Mayor Kant gave an update on the City of Fairhope Code of Ordinances. I am pleased to announce that the City of Fairhope Code of Ordinances is now available on-line. You can access the code by going to the City's website at www.cofairhope.com.

Look under **Public Notices, Meetings and Bids**

Then under **Ordinances and Forms**

Then you will see the following under **Ordinances**:

Use the following address to link to your code:
[City of Fairhope Code of Ordinances](#)

The Code of Ordinances on-line will be updated on a quarterly basis. If there are ordinances passed prior to the quarterly codification, we will post these individually on our website and remove once put into our code.

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The last group of ordinances has been sent to Municipal Code Corporation for codification. This will have our code updated through March 24, 2008 when the last ordinance was passed by the City Council.

- The following proclamation was presented by Mayor Kant Proclaiming May 4 thru May 10, 2008 as Municipal Clerks Week.

MUNICIPAL CLERKS WEEK

WHEREAS, THE OFFICE OF THE MUNICIPAL CLERK, A TIME HONORED AND VITAL PART OF LOCAL GOVERNMENT EXISTS THROUGHOUT THE WORLD; AND

WHEREAS, THE OFFICE OF THE MUNICIPAL CLERK IS THE OLDEST AMONG PUBLIC SERVANTS; AND

WHEREAS, THE OFFICE OF THE MUNICIPAL CLERK PROVIDES THE PROFESSIONAL LINK BETWEEN THE CITIZENS, THE LOCAL GOVERNING BODIES AND AGENCIES OF GOVERNMENT AT OTHER LEVELS; AND

WHEREAS, MUNICIPAL CLERKS HAVE PLEDGED TO BE EVER MINDFUL OF THEIR NEUTRALITY AND IMPARTIALITY, RENDERING EQUAL SERVICE TO ALL; AND

WHEREAS, THE MUNICIPAL CLERK SERVES AS THE INFORMATION CENTER ON FUNCTIONS OF LOCAL GOVERNMENT AND COMMUNITY; AND

WHEREAS, MUNICIPAL CLERKS CONTINUALLY STRIVE TO IMPROVE THE ADMINISTRATION OF THE AFFAIRS OF THE OFFICE OF THE MUNICIPAL CLERK THROUGH PARTICIPATION IN EDUCATION PROGRAMS, SEMINARS, WORKSHOPS AND THE ANNUAL MEETINGS OF THEIR STATE, PROVINCE, COUNTY AND INTERNATIONAL PROFESSIONAL ORGANIZATIONS; AND

WHEREAS, IT IS MOST APPROPRIATE THAT WE RECOGNIZE THE ACCOMPLISHMENTS OF THE OFFICE OF THE MUNICIPAL CLERK.

NOW THEREFORE, I, TIMOTHY M. KANT, MAYOR OF FAIRHOPE DO HEREBY PROCLAIM THE WEEK OF MAY 4 THRU MAY 10, 2008, AS MUNICIPAL CLERKS WEEK, AND FURTHER EXTEND APPRECIATION TO OUR MUNICIPAL CLERK, GENIECE W. JOHNSON FOR THE VITAL SERVICE SHE PERFORMS AND HER EXEMPLARY DEDICATION TO THE COMMUNITY.

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- Sam Irby addressed the City Council and reported that Dr. Teresa Marshall asked him to locate and help acquire a piece of property for a Dog Park in Fairhope. This would be a fenced park for dogs. He told the Council that Dr. Marshall was proactive for her animals, The Haven and the City of Fairhope. He mentioned that they had met with Mayor Kant and Eddie Boyett regarding a site for the park. There is a spot in Volanta Park on Sarge Turner Drive. Mr. Irby stated that Sarge Turner was a dominating figure and special character for Fairhope.

Dr. Teresa Marshall addressed the City Council stating as the City of Fairhope has grown; we have less and less places for our dogs. A well-exercised dog is a happy neighbor. This park is great all-around for everyone. We have formed the Fairhope Dog Park Coalition and its job is to provide planning and acquire money for the Park. We have a petition with 2,500 signatures requesting a Dog Park in Fairhope. We are requesting, from the City, to use the land on Sarge Turner Drive, provide the fencing, lighting, and water. Our rules will state, "The Park will be closed after dark." We will specify in our rules for citizens to show proof of dog inoculations/vaccinations yearly. The rules will specify an age restriction for park access to keep it safe and secure. We will have citizens sign a waiver of City liability. Councilmember Ford asked would the City's insurance cover this. Mayor Kant replied yes. Mayor stated we need to move forward. Councilmember Stankoski asked if there had been any negative feedback. Dr. Marshall replied no.

After further discussion, Councilmember Christenberry moved to grant the request of Sam Irby and Dr. Teresa Marshall to use the land on Sarge Turner Drive for a Dog Park and move forward with their plans. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

- Mayor Kant presented Ronnie McDaniel from the Auburn University Gulf Coast Substation with a framed copy of the Resolution passed April 14, 2008. Mr. McDaniel thanked the City Council and Mayor for the resolution and commented that if there was some way this substation could stay there for 10, 25, or 50 years from now, many would be proud that someone kept it as an experimental substation.
- Rose Fogarty, Finance Director, and Nancy Wilson, City Treasurer, presented the following PowerPoint presentation no action was taken by City Council. Ms. Fogarty told the City Council that we were on budget: 50% of budget with revenues and 51% of budget with expenses. Council President Gentle asked how much is still outstanding in property taxes. Ms. Wilson answered there is \$1.5 million still to collect.

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**CITY OF FAIRHOPE
CITY COUNCIL MEETING
APRIL 28, 2008**

SUMMARY
FINANCIAL REPORTS
SIX MONTHS ENDED
3/31/2008

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GENERAL FUND

	6 MONTHS ENDED		INCREASE (DECREASE)
	3/31/2008	3/31/2007	
REVENUES	11,672,507	10,373,041	1,299,466
EXPENSES	<u>10,516,216</u>	9,124,301	1,391,915
EXCESS REVENUE OVER (UNDER) EXPENSES	1,156,291		

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GAS FUND

	6 MONTHS ENDED		INCREASE (DECREASE)
	3/31/2008	3/31/2007	
REVENUES	4,658,716	4,831,746	(173,030)
COST OF ENERGY	2,527,164	2,467,355	59,809
EXPENSES	<u>1,680,443</u>	1,439,335	241,108
EXCESS REVENUE OVER (UNDER) EXPENSES	451,109		

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ELECTRIC FUND

	6 MONTHS ENDED		INCREASE (DECREASE)
	3/31/2008	3/31/2007	
REVENUES	7,967,475	7,681,496	285,979
COST OF ENERGY	4,304,507	3,627,197	677,310
EXPENSES	<u>2,967,435</u>	2,403,873	563,562
EXCESS REVENUE OVER (UNDER) EXPENSES	695,533		

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WATER/SEWER FUND

	6 MONTHS ENDED		INCREASE (DECREASE)
	3/31/2008	3/31/2007	
REVENUES	4,029,426	4,006,999	22,427
COST OF ENERGY	314,247	297,082	17,165
EXPENSES	<u>3,804,647</u>	3,430,017	374,630
EXCESS REVENUE OVER (UNDER) EXPENSES	(89,468)		

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GOLF FUND

	6 MONTHS ENDED		INCREASE (DECREASE)
	3/31/2008	3/31/2007	
REVENUES	687,753	702,289	(14,536)
EXPENSES	<u>768,362</u>	744,385	23,977
EXCESS REVENUE OVER (UNDER) EXPENSES	(80,609)		

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ALL FUNDS

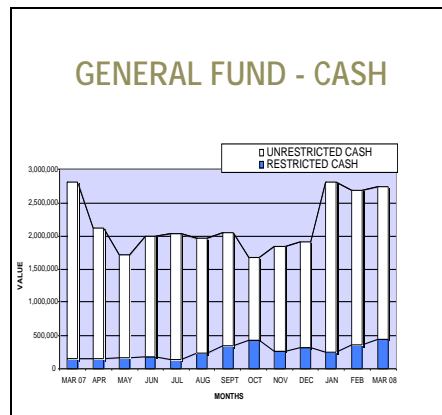
	6 MONTHS ENDED		INCREASE (DECREASE)
	3/31/2008	3/31/2007	
REVENUES	29,015,877	27,595,571	1,420,306
EXPENSES	26,883,021	23,533,545	3,349,476
EXCESS REVENUE OVER (UNDER) EXPENSES	2,132,856		

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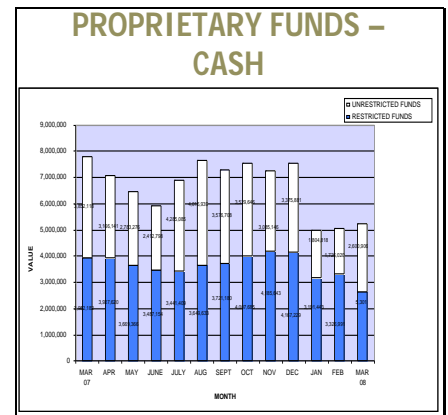
CASH BALANCE COMPARISON AT MARCH 31, 2008

	CURRENT 3/31/2008	PRIOR MONTH 2/29/2008	PRIOR YEAR 3/31/2007
GENERAL FUND	2,732,987	2,688,113	2,822,303
GAS FUND	305,503	290,982	692,611
ELECTRIC FUND	1,662,617	1,391,884	2,547,211
WATER FUND	3,169,979	3,263,456	4,417,838
GOLF FUND	118,107	106,888	148,363
GAS TAX FUNDS	352,024	344,968	298,307
CAPITAL PROJECTS	3,479,576	3,703,282	132,031
CAPITAL PROJECTS - LIBRARY	19,120	23,310	155,659
TOTALS	11,839,913	11,812,684	11,214,323
SINKING FUNDS	1,797,156	1,674,446	1,797,415
WARRANT FUNDS	3,135,280	3,627,537	673,641
TOTAL EXCLUDING SINKING/WARRANT FUNDS	6,907,477	6,510,701	8,743,267

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- Marion E. Wynne, City Attorney, addressed the City Council and presented a status report on the press packets discussed at the April 14, 2008 meeting. City Attorney Wynne said there were two issues at hand: 1) the press packets and 2) the letters from citizens. He said after researching state statutes, attorney general opinions, and other relevant documents, the City Council packets and letters from citizens for the packets are public record. Only matters involving security issues, personnel letters, litigation, etc. would not be open to the public. Citizen's letters regarding City business are public records.

Council President Gentle asked do we need a disclaimer on the packet. City Attorney Wynne replied yes because some documents could change or not be adopted. The minutes are not approved and could be changed. City Attorney

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Wynne told the City Council that he and Assistant City Clerk Lisa Hanks will work on the language for the disclaimer. Council President Gentle stated by the next City Council meeting the press will have a packet with a disclaimer.

Councilmember Quinn asked; can we put the absentee ballot application on-line too? Mayor Kant replied he would look into the matter.

Councilmember Christenberry moved for final adoption of Ordinance No. 1358, an ordinance to zone the property of Herbert and Ruth Pierce from B-4 Office and Professional District to B-3b Tourist Resort Commercial Service District. The Planning & Zoning Commission recommended denial of this ordinance. This property is generally located at 19182 Greeno Road, Fairhope, Alabama. (Introduced at the April 14, 2008 meeting) Councilmember Christenberry said that Planning & Zoning only recommends the approval or denial of a rezone. This makes common sense to me. This is a perfect fit. Councilmember Quinn commented it is one thing if it is B4 or residential; putting a niche grocery store here is not common sense. The village concept is to be dense and then thin further out. Planning & Zoning recommended denial and nine bodies unanimously voted against it. There are plenty of other spots for a niche grocery store. Seconded by Councilmember Ford, motion for final adoption passed by the following voice votes: AYE – Stankoski, Christenberry and Ford. NAY – Quinn and Gentle.

Councilmember Ford introduced in writing Ordinance No. 1359. An ordinance annexing the property of Eastern Shore Presbyterian Church, Inc., located at 23050 U. S. Highway 98, Fairhope, Alabama. Contains 13.07 acres more or less 43-09-32-0-000-001.038, 43-09-32-0-000-001.035, & 43-09-32-0-000-001.001. In order to take immediate action, Councilmember Christenberry moved for immediate consideration. Seconded by Councilmember Stankoski, motion for immediate consideration passed unanimously by the following votes: AYE - Quinn, Stankoski, Christenberry, Ford and Gentle. NAY - none. Councilmember Christenberry then moved for final adoption of Ordinance No. 1359. Seconded by Councilmember Ford, motion for final adoption passed unanimously by the following voice vote: AYE - Quinn, Stankoski, Christenberry, Ford and Gentle. NAY - none.

City Council reviewed an application for a Beer/Wine On/Off Premises License by A. Pete Blohme, dba Panini Pete's located at 42 _ S. Section Street, Fairhope, Alabama. Councilmember Quinn moved to approve the issuance of the license. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Ford moved to appoint Jerry W. Middleton to the Personnel Board. This term will end April 2013. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

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Councilmember Quinn moved to grant the request of Mike Lyons of Fairhope Rotary requesting permission to serve alcohol at the 2008 Fairhope Rotary International Steak Championship on May 9, 2008 from 7:00 p.m. – 10:00 p.m. on De La Mare Avenue. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Councilmember Stankoski moved to grant the request of Danny Coleman, Pre-Engineering Department requesting permission to use Bancroft Street to race the Downhill Racers built by Year 1 Pre-Engineering Students on Thursday, May 1 from 8:30 a.m. to around 11:00 a.m. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Councilmember Ford moved to accept the low bid of Sunbelt Fire Apparatus provided all specifications are met, for SCBA Equipment for Fire Department. Councilmember Quinn stated that she had a problem with only one bid. Dan Ames, Purchasing Manager, replied that Mayor Kant had asked him to look into this issue. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote. This purchase will be funded by General Operating Funds.

Dr. John H. Meyer, 126 Easton Circle, Fairhope, AL, addressed the City Council regarding strategic planning. I first would like to say thank you to the City Council and thank you to the Governmental Structure Committee. I attended all of the meetings and agree we need to plan long term. I would like to suggest that you use the Malcolm Baldrige Model for strategic planning.

Dick Bensman, 116 Wedge Loop, Fairhope, AL, addressed the City Council requesting that absentee ballot applications be available via internet in the same manner as Baldwin County's absentee voting system.

Councilmember Stankoski commented; it is great to live here in Paradise.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:30 p.m.

Robert C. Gentle, Council President

Lisa A. Hanks, Assistant City Clerk