

29 December 2017

NOTICE AND CALL OF SPECIAL MEETING

Notice is hereby given of a special meeting of the City Council of the City of Fairhope, Alabama, to be held at the Fairhope Municipal Complex on Wednesday, 29 December 2017, at 8:00 a.m., for the purpose to:

- ❖ Amend Resolution No. 2956-17 that appointed Marcus E. McDowell as City Attorney and authorizes either the Council President or Council President Pro Tempore to sign the Resolution, negotiate the fee schedule, and execute the Engagement Letter for legal services on behalf of the City of Fairhope.
- ❖ Adopt a Resolution that the City Council hereby authorizes Council President or Council President Pro Tempore to execute any Resolution not of permanent nature that the Mayor refuses or is unable to execute within seven calendar days after passage. Said Resolution does not limit or restrict the Mayor's veto powers over Resolutions or Ordinances that are permanent in nature; and that the City Council hereby authorizes Council President or Council President Pro Tempore to execute any and all contracts, deeds or bonds on behalf of the City in the event the Mayor refuses to or is unable to execute said documents within seven calendar days after authorization by the City Council.

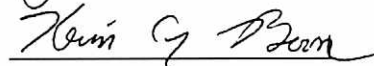

Jack Burrell, Council President

CONSENT TO HOLDING OF MEETING

The undersigned members of the City Council of the City of Fairhope, Alabama, do hereby acknowledge service of the Notice and Call of Special Meeting hereinabout set forth and do hereby consent to the holding of such meeting as such time in such place for the purpose set forth therein.







Attest:


Lisa A. Hanks, MMC
City Clerk

29 December 2017

STATE OF ALABAMA)
 :
 COUNTY OF BALDWIN)(

The City Council, City of Fairhope, met in special session at 8:00 a.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Friday, 29 December 2017.

Present were Council President Jack Burrell, Councilmembers: Jay Robinson, Jimmy Conyers, and Kevin Boone, Mayor Karin Wilson, City Attorney Marion E. Wynne and City Clerk Lisa A. Hanks. Councilmember Robert Brown was absent.

There being a quorum present, Council President Jack Burrell called the meeting to order at 8:00 a.m. The invocation was given by Councilmember Kevin Boone and the Pledge of Allegiance was recited.

Council President Jack Burrell announced that the Special Meeting was called to consider two resolutions. He stated that a resolution was approved unanimously at the December 18, 2017 City Council meeting to appoint Marcus McDowell as City Attorney due to City Attorney Wynne retiring; and Mr. McDowell would fill the remaining term for the City Attorney. Council President Burrell stated that Mayor Wilson said she would not be signing the resolution, so we are here to amend the resolution to allow either the Council President or Council President Pro Tempore to sign the resolution and execute the engagement letter with Mr. McDowell.

Council President Burrell read the resolution to amend Resolution No. 2956-17 in its entirety. Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council desires to amend Resolution No. 2956-17 that appointed Marcus E. McDowell as City Attorney and authorizes either the Council President or Council President Pro Tempore to sign the Resolution, negotiate the fee schedule, and execute the Engagement Letter for legal services on behalf of the City of Fairhope. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

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29 December 2017

RESOLUTION NO. 2957-17

WHEREAS, the City Council adopted Resolution No. 2956-17 appointing Marcus E. McDowell as the City Attorney and authorized Mayor Karin Wilson to sign an engagement letter between the City of Fairhope and Marcus E. McDowell for legal services; and

WHEREAS, Mayor Karin Wilson has refused to sign Resolution No. 2956-17 which authorizes the Mayor to execute the engagement letter; and

WHEREAS, the City Council is desirous to amend Resolution No. 2956-17 by authorizing either the Council President or Council President Pro Tempore to execute the Resolution, negotiate the fee schedule, and execute the Engagement Letter on behalf of the City of Fairhope.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, That the City Council desires to amend Resolution No. 2956-17 that appointed Marcus E. McDowell as City Attorney and authorizes either the Council President or Council President Pro Tempore to sign the Resolution, negotiate the fee schedule, and execute the Engagement Letter for legal services on behalf of the City of Fairhope.

ADOPTED THE 29TH DAY OF DECEMBER, 2017


 Jack Burrell, Council President

ATTEST:


 Lisa A. Hanks, MMC
 City Clerk

Council President Burrell read the second resolution in its entirety and explained that this was being done, so the City Council would not have to call a special meeting if the Mayor did not sign another resolution or document authorized by the City Council.

29 December 2017

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council hereby authorizes Council President or Council President Pro Tempore to execute any Resolution not of permanent nature that the Mayor refuses or is unable to execute within seven calendar days after passage. Said Resolution does not limit or restrict the Mayor's veto powers over Resolutions or Ordinances that are permanent in nature. Furthermore, that the City Council hereby authorizes Council President or Council President Pro Tempore to execute any and all contracts, deeds or bonds on behalf of the City in the event the Mayor refuses to or is unable to execute said documents within seven calendar days after authorization by the City Council. The motion was seconded by Councilmember Robinson. Then, Councilmember Robinson stated he wanted to clarify for the people in the audience and who are watching that this was discussed with the Alabama League of Municipalities before being placed on the agenda. Council President Burrell said the City Council could add the clause in every resolution or do a standing resolution as this one. City Clerk Lisa Hanks agreed that the League was contacted for their opinion. After further discussion, motion passed unanimously by voice vote.

RESOLUTION NO. 2958-17

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council hereby authorizes Council President or Council President Pro Tempore to execute any Resolution not of permanent nature that the Mayor refuses or is unable to execute within seven calendar days after passage. Said Resolution does not limit or restrict the Mayor's veto powers over Resolutions or Ordinances that are permanent in nature.

BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, That the City Council hereby authorizes Council President or Council President Pro Tempore to execute any and all contracts, deeds or bonds on behalf of the City in the event the Mayor refuses to or is unable to execute said documents within seven calendar days after authorization by the City Council.

ADOPTED THE 29TH DAY OF DECEMBER, 2017


Jack Burrell, Council President

ATTEST:


Lisa A. Hanks, MMC
City Clerk

29 December 2017

Councilmember Boone moved to adjourn the meeting. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 8:05 a.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk