

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, 28 January 2013.

Present were Council President Jack Burrell, Councilmembers: Rich Mueller, Diana Brewer, Michael A. Ford, and Kevin Boone, Mayor Timothy M. Kant, City Attorney Marion E. Wynne, and City Clerk Lisa A. Hanks.

There being a quorum present, Council President Burrell called the meeting to order. The invocation was given by Deacon George Yeend, of St. Lawrence Catholic Church, and the Pledge of Allegiance was recited. Councilmember Brewer moved to approve minutes of the 14 January 2013, regular meeting; minutes of the 14 January 2013, work session; and minutes of the 14 January 2013, agenda meeting. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Council President Burrell stated there was a need to add on an agenda item after Agenda Item Number 16; Pemberton Loop and Edwards Avenue were reviewed by the Street & Traffic Control Committee and speed calming devices were recommended.

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

Jill Cabaniss, Finance Director, addressed the City Council and presented the quarterly financial report via a Power Point Presentation for the quarter ending December 31, 2012.

Dennis Sherrin, managing shareholder of Hartmann, Blackmon and Kilgore, addressed the City Council and briefly went over Comprehensive Annual Financial Report "CAFR" for the year ending September 30, 2012. Mr. Sherrin mentioned Lee Ann May being present and that she was the lead auditor for the "CAFR." He thanked Jill Cabaniss, Nancy Wilson, Lisa Hanks, and their staff for all of their help throughout the engagement by gathering information and answering our requests. He mentioned that the City of Fairhope will receive an unqualified opinion which is the best opinion his firm can provide.

After further discussion, Councilmember Ford moved to accept the Comprehensive Annual Financial Report. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

28 January 2013

Mayor Kant addressed the City Council regarding the following items:

1. He mentioned Dennis Sherrin with Hartmann, Blackmon and Kilgore would be glad to go over the "CAFR" in detail with each of you.
2. He recognized Tom Kuhl and his staff on an excellent job with the Senior Bowl practices and all the excellent quality of the field.
3. Dan McCrory, Water & Sewer Superintendent, gave a report of the projects for his department. He introduced Melinda Immel with Volkert & Associates and Micah Jones with Thompson Engineering who are the engineering firms helping with the projects.
 - 1) Tank Sandblasting and Painting Project is approximately 80 percent complete and should be completed by February 17, 2013.
 - 2) Water Line to Rock Creek Project should be completed by the end of August.
 - 3) Sewage Treatment Plant Project will optimize treatment while system is being built. This will be a 15 month construction schedule. Green technology is being looked at for new facility. The ADEM permit limits cannot be met by the current facility.

The following individuals spoke during Public Participation:

1. Phillip Peterson, 112 Lake Ridge Drive, addressed the City Council regarding Agenda Item Number 16, request for stop signs for Lake Ridge Drive and Wedge Loop. He said that there is a better way to correct problem besides stop signs. A speed bump would be better. He suggested Par and Lake Ridge.
2. Tiffany Cook, 205 Lake Ridge Drive, addressed the City Council regarding Agenda Item Number 16, request for stop signs for Lake Ridge Drive and Wedge Loop. She told the City Council about her daughter who waits for the mail lady every day and the driver that took out the mailbox. A speed bump would be great, but am asking for at least stop signs. She also mentioned Mr. Helms and Mr. McCrory who concur for speed bumps.
3. Aaron Mackey, 113 Lake Ridge Drive, addressed the City Council regarding Agenda Item Number 16, request for stop signs for Lake Ridge Drive and Wedge Loop. He reiterated the comments mentioned by Tiffany Cook and also asked for speed bumps and any other device to slow traffic down.

28 January 2013

4. Huntley Huckle, 112 Pemberton Loop, addressed the City Council regarding Agenda Item Number 16, request for stop signs for Lake Ridge Drive and Wedge Loop. She requested the City Council take action for two speed calming devices for Pemberton Loop.
5. Elizabeth Savarese, 109 Pemberton Loop, addressed the City Council regarding Agenda Item Number 16, request for stop signs for Lake Ridge Drive and Wedge Loop. She said they watch their kids while playing because cars can lose control. She too requested speed calming devices for Pemberton Loop.

Councilmember Boone addressed the City Council regarding the Chief of Police applicant interviews and said these interviews will begin at 1:00 p.m. on Thursday, January 31, 2013. A Special Called City Council meeting will be held on February 5, 2013 at 6:00 p.m. to appoint a Chief of Police.

Council President Burrell addressed the City Council regarding the following items:

1. He announced Bailey Yelding, Mayor of Daphne, passed away and asked for the City and Family to be in our thoughts. Mayor Yelding was well known and highly regarded for many of his endeavors.
2. He apologized to everyone who made requests that dated back over a year ago and appreciated all of them for coming to the meeting.

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a Contract between the City of Fairhope and the Baldwin Pops for use of the City facilities to help advertise and promote the City of Fairhope; and to provide free concerts yearly for the residents of Fairhope, also performs at the City's July 4th celebration and the Founder's Day Concert and when available participates in the Veteran Day parade. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

28 January 2013

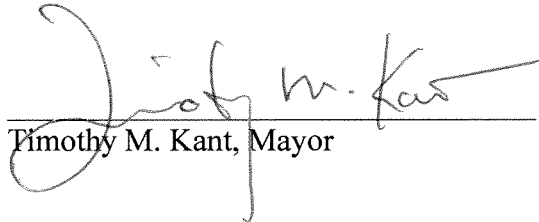
RESOLUTION NO. 2026-13

WHEREAS, the Baldwin Pops serves a public purpose and the publicity that the Baldwin Pops gives the City of Fairhope is a public service; and,

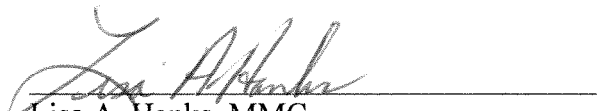
WHEREAS, We, the Baldwin Pops, agree to work with the Mayor, and /or his agent(s), to advertise and promote the City of Fairhope; and to provide free concerts yearly for the residents of Fairhope, also performs at the City's July 4th celebration and the Founder's Day Concert and when available participates in the Veteran Day parade; and

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute contract between the City of Fairhope and the Baldwin Pops for use of the City facilities depending on availability and permission from the Rental Facilities Manager (allow them to meet twice each month at the Civic Center and store items if necessary); and resources including personnel, but not security after normal business hours.

ADOPTED this 28th day of January, 2013


 Timothy M. Kant, Mayor

ATTEST:


 Lisa A. Hanks, MMC
 City Clerk

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a Contract between the City of Fairhope and Thomas Hospital for use of the City facilities to help put on health related programs, meetings, and programs affiliated with Thomas Hospital, throughout the year in the Fairhope community, schools or at the hospital facilities. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

28 January 2013

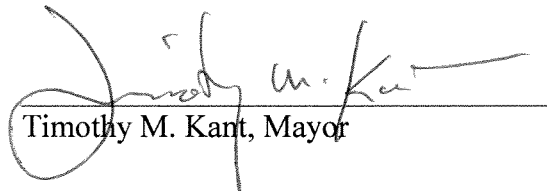
RESOLUTION NO. 2027-13

WHEREAS, Thomas Hospital serves a public purpose and the health education that the Thomas Hospital gives the City of Fairhope is a public service; and,

WHEREAS, We, Thomas Hospital, agree to work with the Mayor, and /or his agent(s), to promote the City of Fairhope and to contribute time, employees, and other resources putting on health related programs, meetings and programs affiliated with Thomas Hospital, throughout the year in the Fairhope community, schools or at the hospital facilities. Many events, schools, and Fairhope programs are sponsored by Thomas Hospital. The Thomas Hospital Auxiliary provides hours of service to the hospital that benefit Fairhope citizens; and

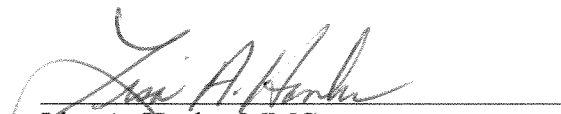
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute contract between the City of Fairhope and Thomas Hospital for use of the City facilities (rental and cleaning fees) depending on availability and permission from the Rental Facilities Manager; but they would be responsible for any incidentals, damages, or security if necessary.

ADOPTED this 28th day of January, 2013



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to Purchase a 2013 Ford F150 Pick-Up Truck for the Recreation Department with a cost of \$16,760.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

28 January 2013

RESOLUTION NO. 2028-13**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:**

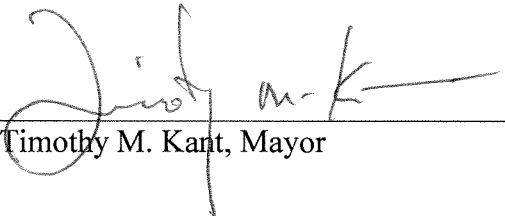
[1] That the City of Fairhope has voted to purchase a 2013 Ford F150 Pick-Up Truck for the Recreation Department and the type of vehicle needed is on the Alabama State Department of Purchasing bid list and therefore does not have to be let out for bid; and

[2] The following is the Alabama State Department of Purchasing contract information:

Bid Number: T191A

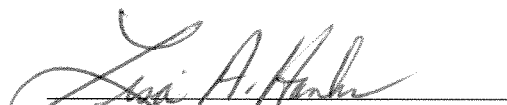
Contract Number: 4012410

Ford F150 Pick-Up Truck

Cost is \$16,760.00Adopted on this 28th day of January, 2013

Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution, a resolution to Purchase a 2013 Ford F150 Pick-Up Truck with Trailer Tow Package for the Recreation Department with a cost of \$18,931.00. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

28 January 2013

RESOLUTION NO. 2029-13

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

[1] That the City of Fairhope has voted to purchase a 2013 Ford F150 Pick-Up Truck with Trailer Tow Package for the Recreation Department and the type of vehicle needed is on the Alabama State Department of Purchasing bid list and therefore does not have to be let out for bid; and

[2] The following is the Alabama State Department of Purchasing contract information:

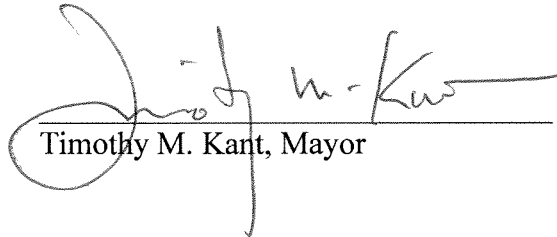
Bid Number: T191A

Contract Number: 4012410

Ford F150 Pick-Up Truck
with Trailer Tow Package

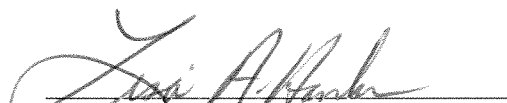
Cost is \$18,931.00

Adopted on this 28th day of January, 2013



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution to Purchase a 2013 Ford Explorer Truck for the Water Department with a cost of \$23,578.00. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

28 January 2013

RESOLUTION NO. 2030-13

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

[1] That the City of Fairhope has voted to purchase a 2013 Ford Explorer Truck for the Water Department and the type of vehicle needed is on the Alabama State Department of Purchasing bid list and therefore does not have to be let out for bid; and

[2] The following is the Alabama State Department of Purchasing contract information:

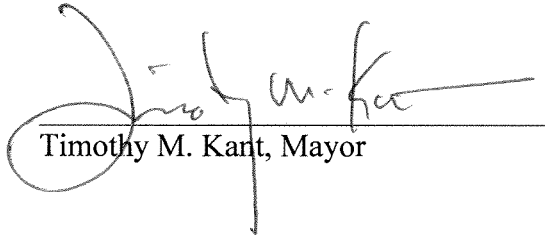
Bid Number: T191A

Contract Number: 4012411

Ford Explorer Truck

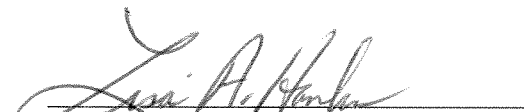
Cost is \$23,578.00

Adopted on this 28th day of January, 2013



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to Purchase an IBM Server for the I. T. Department with a cost of \$84,057.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

28 January 2013

RESOLUTION NO. 2031-13

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

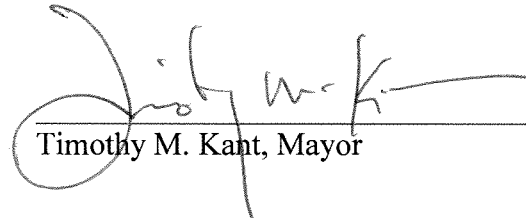
[1] That the City of Fairhope has voted to purchase an IBM Server for the I.T. Department and the type of equipment needed is on the National Intergovernmental Purchasing Alliance (“National IPA”); and therefore does not have to be let out for bid; and

[2] The following is the National Intergovernmental Purchasing Alliance contract information:

Contract Number: 083052-01

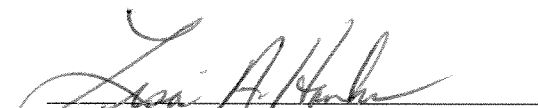
IBM Server, Licenses, and Support Services **Cost is \$84,057.00**

Adopted on this 28th day of January, 2013



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution to Purchase Twenty One (21) Network Switches and necessary associated Equipment for the I. T. Department with a cost of \$56,037.00. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

28 January 2013

RESOLUTION NO. 2032-13

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

[1] That the City of Fairhope has voted to purchase Twenty One (21) Network Switches and necessary associated equipment for the I.T. Department and the type of equipment needed is on the National Intergovernmental Purchasing Alliance (“National IPA”); and therefore does not have to be let out for bid; and

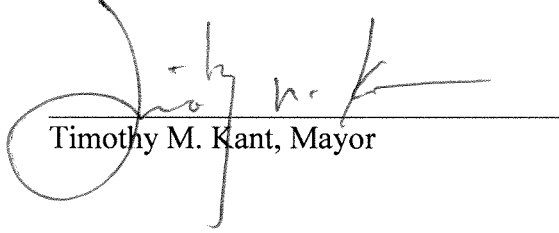
[2] The following is the National Intergovernmental Purchasing Alliance contract information:

Contract Number: 083052-01

Computer Network Switches

Cost is \$56,037.00

Adopted on this 28th day of January, 2013



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

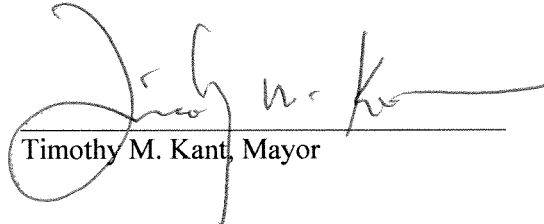
Councilmember Mueller introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute an extension of the Contract with Southern Environmental, LLC for Sludge Removal Services (Bid No. 005-11) for the Water Treatment Plant for an additional one year as per the terms and conditions of the original contract. The cost of the sludge removal will be \$90.00 per cubic yard. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

28 January 2013

RESOLUTION NO. 2033-13

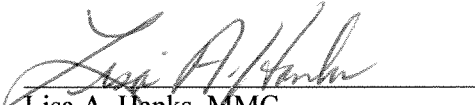
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Kant is hereby authorized to execute an extension of the Contract with Southern Environmental, LLC for Sludge Removal Services (Bid No. 005-11) for the Water Treatment Plant for an additional one year as per the terms and conditions of the original contract. The cost of the sludge removal will be \$90.00 per cubic yard.

Adopted on this 28th day of January, 2013



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council agrees to financially support the “2013 Festival of Flight” in an amount not to exceed \$50,000.00 inclusive of in-kind services; and not in lieu of grants, sponsorships, fundraisers, etc. that have been sought by the Fairhope Airport Authority. The motion was seconded by Councilmember Mueller. Council President Burrell stated that the language needed to be clearer and an amendment to the resolution was necessary. City Attorney Wynne read the following changes necessary to amend the resolution for clarity:

Second paragraph – WHEREAS, the City of Fairhope will lend financial support if grants, sponsorships, fundraisers, etc. that have been sought by the Fairhope Airport Authority to support the “2013 Festival of Flight” are insufficient to do so.

Last paragraph - NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, If the Fairhope Airport Authority does not raise all funds necessary to fund the “2013 Festival of Flight”, then the City Council agrees to financially support the “2013 Festival of Flight” in an amount not to exceed \$50,000.00 with the caveats listed in the above paragraphs. In-kind services are included in the calculation of the \$50,000.00 conditional commitment.

Councilmember Brewer moved to amend the resolution regarding the “2013 Festival Flight” per the above wording and recommendation by City Attorney Wynne. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

28 January 2013

Councilmember Brewer moved to adopt the resolution to financially support the "2013 Festival of Flight" as amended. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

RESOLUTION NO. 2034-13

WHEREAS, this agreement made between the City of Fairhope and the Fairhope Airport Authority for financial support not to exceed \$50,000.00 inclusive of in-kind services for the "2013 Festival of Flight" to be held at the H. L. "Sonny" Callahan Airport, Fairhope, Alabama; and

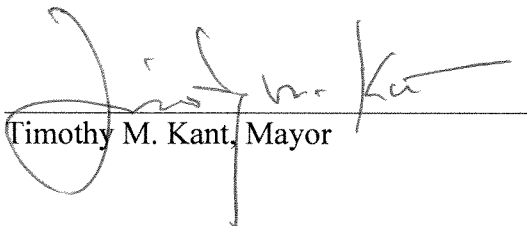
WHEREAS, the City of Fairhope will lend financial support if grants, sponsorships, fundraisers, etc. that have been sought by the Fairhope Airport Authority to support the "2013 Festival of Flight" are insufficient to do so; and

WHEREAS, the Fairhope Airport Authority and the Festival of Flight Committee agrees to make a good faith effort to raise all funds necessary to fund the Festival of Flight thereby reducing the financial obligation of the City to the extent possible; and


WHEREAS, the City of Fairhope agrees to pay the committed financial support between October 1, 2013 and December 31, 2013.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, if the Fairhope Airport Authority does not raise all funds necessary to fund the "2013 Festival of Flight", then the City Council agrees to financially support the "2013 Festival of Flight" in an amount not to exceed \$50,000.00 with the caveats listed in the above paragraphs. In-kind services are included in the calculation of the \$50,000.00 conditional commitment.

DULY ADOPTED THIS 28TH DAY OF JANUARY, 2013


 Timothy M. Kant, Mayor

Attest


 Lisa A. Hanks, MMC
 City Clerk

28 January 2013

Chief Petties addressed the City Council regarding the Street & Traffic Control Committee meeting and their findings for various requests. In Quail Creek, the Committee recommended stop signs were needed at two locations on Lake Ridge Drive and Wedge Loop. Petitions were needed for Quail Creek and Stone Creek in order to look at speed calming devices. He also mentioned speed calming devices were recommended for Pemberton Loop and Edwards Avenue.

Councilmember Brewer moved to grant the request from Chief Joseph Petties requesting Stop Signs to be placed at the following locations: a 4-way stop sign at Lake Ridge Drive and Wedge Loop on North side and a 3-way stop sign at Lake Ridge Drive and Wedge Loop on South side. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Mueller moved to grant the request for two speed calming devices on Pemberton Loop with locations to be determined recommended by the Street & Traffic Control Committee. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

Councilmember Mueller moved to grant the request for two speed calming devices on Edwards Avenue with locations to be determined recommended by the Street & Traffic Control Committee. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

Councilmember Brewer moved to grant the request of Pat Lee, Director of International Programs/Children of the World, requesting permission to have their 17th Annual Chinese New Year's Parade on February 9, 2013 which will begin at 11:00 a.m. at Fairhope United Methodist Church; and to use City resources to block intersections and for traffic control. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Trey Jones, 416 Frederick Avenue, addressed the City Council regarding Founders Park and using the parking lot for Fairhope High School students. The only students allowed to park at the High School are juniors and seniors. Everyone else has to take the bus. The parking lot is close to the school and there are no roads to cross. Mr. Jones suggested charging for parking to apply towards security costs.

Council President Burrell stated that the school was looking at adding 80 to 90 parking spaces and possible getting 40 additional spaces from Fairhope Middle School. Chief Petties mentioned they were already numbering the 40 spaces at Fairhope Middle School. He stated that the high school has a policy in place for searching vehicles and at this time the Police Department would have to get a search warrant for vehicles if parked at Founders Park.

28 January 2013

Councilmember Ford said we should rethink the idea and keep in contact with the high school principal. Mayor Kant commented that the Baldwin County School Board would have to have control of the site and the only way would be to lease parking lot from the City. Mayor Kant said this would have to be worked out between the City of Fairhope and either the principal or the Board of Education. Tom Kuhl said this has been a headache with ongoing destruction of our facilities.

Council President Burrell thanked Trey Jones for bringing his issue to the City Council. Donna Jones, mother of Trey, addressed the City Council and suggested putting an officer at the parking lot.

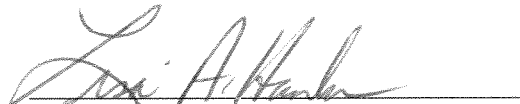
At the request of the City Attorney, Marion E. Wynne, the City Council will rise from the meeting to go into Executive Session to discuss litigation. The approximate time to be in Executive Session is 30 minutes. Councilmember Boone moved to go into Executive Session. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Exited the dais at 7:30 p.m. Returned at 8:14 p.m.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 8:15 p.m.


Jack Burrell, Council President


Lisa A. Hanks, MMC
City Clerk