

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, 14 October 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 Reverend William Parsons, Pastor of Redeemer Lutheran Church and the Pledge of Allegiance was recited. Councilmember Brewer moved to approve minutes of the 23 September 2013, regular meeting; minutes of the 23 September 2013, work session; and minutes of the 23 September 2013, agenda meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Larry Thomas, President of the Fairhope Single Tax Corporation (“FSTC”), addressed the City Council and presented a Letter of Commitment for the Engineers Cost Estimate for the Fairhope Avenue Sidewalk Project. FSTC and the City understand that the City is to administer the bid process, the contracts, and the execution on the contracts. FSTC understands that as draws are made for this project that FSTC will pay the amount of the draw, up to the Engineers Cost Estimate, into the General Fund of the City of Fairhope. Mr. Thomas said the City will handle the project and FSTC will finance.

Mayor Kant addressed the City Council and stated the budget will be presented later tonight; and Jill Cabaniss will be presenting a Power Point Presentation. The proposed budget is a \$59 million dollar budget with \$54 million dollars in expenses for a surplus of \$4.5 million dollars. There is a \$4.1 million dollars proposed for debt reduction; and approximately \$17 million in improvements this fiscal year without having to borrow.

Mayor Kant stated the last item on the agenda is dear to him and throughout his administration has tried to find the best way to use this property. He then introduced Christopher Baker with Thompson Engineering who spoke on the Fly Creek Watershed.

Mr. Baker addressed the City Council and gave a Power Point Presentation titles “Fly Creek Watershed; Restoration Project.” He introduced his team for this project: Stephen O’Hearn, Ray Herndon, and Jim Griggs.

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The study recommends action measures in order to protect and preserve Fly Creek; and 15 measures were found and prioritized. The number one recommendation step to preserve and protect Fly Creek is the acquisition of the 108 acre Dyas property. A copy of the study is on file in the City Clerk's office.

Council President Burrell questioned how the 108 acres would protect the other part of the watershed. Mr. Baker replied that this property is the bottom of the watershed and close to Fly Creek. The vision is for parkland and to keep in its natural state. Mayor Kant stated it would take \$22 million dollars to do all 15 measures. The first one is to acquire the 108 acres; and restoration is the main goal. Mayor Kant commented he hopes we are able to do this tonight.

The following individuals spoke during Public Participation:

1. Bob Clark, 381 Pecan Avenue, addressed the City Council regarding Agenda Item Number 13, a resolution authorizing Mayor Kant to execute an Option Agreement to purchase Dyas property which includes the property known as "The Triangle." He was the former owner of WABF radio station and for 35 plus years this is still an issue. Mr. Clark gave a brief history of his involvement with the Dyas property during his term on the Planning Commission. He said this would be a win-win situation for everyone. He was in favor of purchasing the property. He wants it kept pristine forever for generations to come.
2. Jim Horner, 115 Volanta Avenue, addressed the City Council regarding Agenda Item Number 13, a resolution authorizing Mayor Kant to execute an Option Agreement to purchase Dyas property which includes the property known as "The Triangle." Mr. Horner read a statement on environmental stress on the Fly Creek Watershed and said this purchase would be multi-beneficial opportunity. Fairhope could preserve its entrance by creating a recreational park for everyone. It could also protect the Fly Creek Watershed. He was in favor of purchasing the property.
3. Scott Douglas, 850 Cherry Circle, addressed the City Council regarding Agenda Item Number 13, a resolution authorizing Mayor Kant to execute an Option Agreement to purchase Dyas property which includes the property known as "The Triangle." He lives in Colonial Acres and said this would be great for the neighborhood. He was in favor of a nature preserve park; and in favor of purchasing the property.
4. Tom Yeager, 859 Creek Drive, addressed the City Council regarding Agenda Item Number 13, a resolution authorizing Mayor Kant to execute an Option Agreement to purchase Dyas property which includes the property known as "The Triangle." He said this is an opportunity of a lifetime. He encouraged the City Council to vote for this purchase.
5. Teddy Faust, 257 Blue Island, addressed the City Council regarding Agenda Item Number 13, a resolution authorizing Mayor Kant to execute an Option Agreement to purchase Dyas property which includes the property known as "The Triangle."

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He stated that this was his mother's passion to see the City acquire the land. His mother was Fran Slade Faust. Mr. Faust was in favor of purchasing the property.

6. George Roberds, lives on Washington Square off of Bishop Road, addressed the City Council regarding Agenda Item Number 13, a resolution authorizing Mayor Kant to execute an Option Agreement to purchase Dyas property which includes the property known as "The Triangle." He told the City Council to take this vote seriously and he recommends it. This will impact people including the entire world. Mr. Roberds is in favor of purchasing the property.

7. Ed Lamonte, 710 South Mobile Street, addressed the City Council regarding Agenda Item Number 5, an Ordinance repealing Ordinance No. 1218 and establishing the Sister Cities Committee. Mr. Lamonte stated he and his wife over a period of 25 years have worked with Sister Cities. He is glad the Sister Cities Ordinance is on the agenda. He is in favor of the formation of the Committee.

Councilmember Mueller addressed the City Council and stated that just because we do not comment much on the proposed budget tonight, we have gone over the budget for several months with a fine-toothed comb.

Councilmember Ford addressed the City Council and thanked the Fairhope Single Tax Corporation for partnering with the City of Fairhope for the sidewalk project.

Council President Burrell addressed the City Council and announced that Matthew and Greg, Boy Scouts from Troop 47 who are working on their Citizenship Merit badge. He stated the City Council will be considering a monumental decision tonight and urged the Councilmembers to ask questions. He also announced that tonight for the first time ever the Council meeting is being streamed live on the internet and available for the public to watch.

Councilmember Brewer introduced in writing Ordinance No. 1503, an ordinance to repeal Ordinance No. 1218 and to establish the Sister Cities Committee of Fairhope, Alabama. In order to take immediate action, Councilmember Brewer moved for immediate consideration. Seconded by Councilmember Mueller, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None. Council President Burrell thanked Sherry Sullivan for all of her hard work on this ordinance. Councilmember Brewer then moved for final adoption of Ordinance No. 1503. Seconded by Councilmember Ford, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase a Backhoe Loader for the Public Works Department from the National Intergovernmental Purchasing Alliance.

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Seconded by Councilmember Ford, motion passed unanimously by voice vote.

**RESOLUTION NO. 2125-13**

**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 Backhoe Loader for the Public Works 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:

Quote Number: QTRJ13-206

2014 Backhoe Loader Caterpillar 420F      **Cost is \$88,813.00**

5 Year/5,000 Hr Powertrain Warranty      **Additional \$3,840.00**

Adopted on this 14th day of October, 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 award RFQ for Wooden Poles for the Electric Department for a total cost of \$18,001.27. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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**RESOLUTION NO. 2126-13**

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

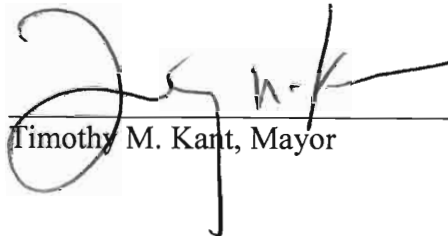
[1] That the City of Fairhope did request and receive RFQs for Wooden Poles for the Electric Department at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

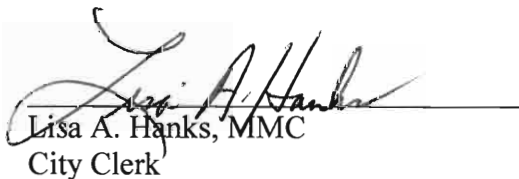
Baldwin Pole & Piling Co., Inc.	\$18,001.27
Thomasson Company	\$18,873.00
Brown Wood Preserving Co., Inc.	\$19,080.00

[3] At the appointed time and place; after evaluating the RFQ proposal with the required specifications, Baldwin Pole & Piling Co., Inc., is now awarded the RFQ for Wooden Poles for the Electric Department; for a total cost of \$18,001.27.

Adopted on this 14th day of October, 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 amend the Compensation and Job Classification Plan along with the Grade Order Sheet by adding and deleting Job Positions; and the Job Descriptions and Grade of Pay for same. The motion was seconded by Councilmember Ford. Councilmember Brewer explained that these were vacancies that were not going to be filled and job positions that Department

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Heads had requested. Council President Burrell commented that Department Heads provided the need for the position along with a job description; and the pay grades fit the position. After further discussion, motion passed unanimously by voice vote.

**RESOLUTION NO. 2127-13**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the Compensation and Job Classification Plan along with the Grade Order Sheet be amended and approved to Add and Delete the following Job Positions; and the Job Descriptions and Grade of Pay for same:

<b>Additions:</b>	<b>Job Positions</b>	<b>Grade of Pay</b>
	Utilities Administrative Assistant	20
	Recreation Crew Leader	22
	Payroll Administrator	22
	Evidence and Equipment Custodian/ Public Relations Officer	24
	Lieutenant	25
	Horticulture Supervisor	26
	Sanitation/Fleet Maintenance Supervisor	26
 Deletions:	 Work Order Coordinator	 18
	Gas Compliance Specialist	20
	Corrections Administrator	25
	Project Maintenance Manager	27
	Assistant Police Chief	27
	City Administrator	32

**BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the revised Job Description for the Recreation Center Coordinator is hereby approved.

ADOPTED THIS 14TH DAY OF OCTOBER, 2013



Timothy M. Kan, Mayor

ATTEST:



Lisa A. Hanks, MMC  
City Clerk

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Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution to approve the 2013 – 2014 Budget. The motion was seconded by Councilmember Mueller.

Finance Director Jill Cabaniss addressed the City Council and gave a Power Point Presentation titled “City of Fairhope: Proposed Budget for Fiscal Year October 1, 2013 through September 30, 2014.” The following are the Budget Highlights as presented:

### **BUDGET HIGHLIGHTS**

- 3% cost of living pay increase for all employees
- Use 1 cent of sales tax collections for fiscal 2014 to pay off additional \$2.2 million debt, \$800,000 in Capital Projects Fund
- Capital expenditures in the general fund are \$871, 500
- Capital Fund expenditures are \$3.6 million-projects include \$2 million soccer complex, new playground, restrooms on the Fairhope pier, road projects and a floral clock
- City Public Utilities will have capital upgrades of \$12,136,300-includes \$10 million in improvements to the sewer plant
- Payment for debt reduction for the City will be \$4,180,000

### **BUDGET HIGHLIGHTS**

- All projects and expenditures this year will be done without any new debt
- Increase Library appropriation 7%
- Planning Dept.-
  - Compensation Plan/Upgrades & Traffic Analysis/Upgrades
- Police Dept. –
  - 2 Police Vehicles
- Public Works – Street Dept.
  - Backhoe and Wheel Loader
- Public Works – Sanitation Dept.
  - Garbage Truck
  - City-Wide Surplus - \$4,550,592

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Council President Burrell stated this budget was discussed at length; not only with individual conferences with Mayor Kant, but in City Council work sessions. He commended Mayor Kant and Ms. Cabaniss for the great budget. We will retire the General Obligation Warrant which will be a savings in interest of about \$2.5 million dollars. After the Power Point Presentation and further discussion, motion passed unanimously by voice vote.

**RESOLUTION NO. 2128-13**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the proposed Budget presented and reviewed this 14th day of October 2013, be hereby approved and adopted for the FY 2013-2014; and

**BE IT FURTHER RESOLVED** that the Annual Salaries of City Personnel shall be as shown on a list entitled Annual Salaries of All City Personnel and said list filed in the Office of the City Treasurer; and

**BE IT FURTHER RESOLVED** that any cost of living or merit raises adopted in the Budget will become effective on November 1, 2013; and

**BE IT FURTHER RESOLVED** that Mayor Timothy M. Kant is hereby authorized to fill all positions that have been approved and budgeted as needed; and

**BE IT FURTHER RESOLVED** that each Full Time employee shall receive a One Time Pay Increase for the period 1 December 2012 through 30 November 2013; each qualifying employee shall receive \$20.00 per month of employment. To qualify, an employee must be a Full-Time Employee during this period. An employee hired on or before the fifteenth (15th) day of a month will be given credit for the full month; an employee hired on or after the sixteenth (16th) day of a month will not be given credit for that month. In order to receive this One Time Pay Increase, an employee must be employed on the 30th of November.

For the same time period, and hiring rule each qualifying Part-time employee shall receive the following:

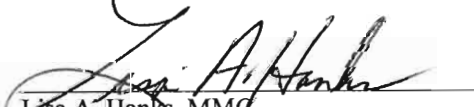
First year	\$ 25.00
Second year	\$ 50.00
Third year	\$ 75.00
Fourth year	\$100.00

The maximum amount for Part-time employees is \$100.00. This One-Time Pay Increase will be awarded on Friday, 6 December 2013.

ADOPTED THIS 14TH DAY OF OCTOBER, 2013

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

ATTEST:

  
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Lisa A. Hanks, MMC  
City Clerk



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Councilmember Ford moved to update Fairhope Volunteer Police Reserve Roster by adding Kelsey Santana, Justin Rogers, Timothy Stafford, Jeremy Davis, and Ronald Bozeman. The motion was seconded by Councilmember Brewer. Chief Joe Petties explained that the reserve officers go through an application and interview process; and have to pass the physical training test and background check. After further discussion, motion passed unanimously by voice vote.

City Council reviewed an application for a Special Events Retail License by Oak Hollow Farm, Inc. by William Boyd Little for the 2013 Oak Hollow Farm Angel Ride Concert on October 31, 2013 to November 2, 2013 from 3:00 p.m. Thursday until 11:30 p.m. Saturday located at 14210 Greeno Road, Fairhope, Alabama. Councilmember Boone moved to approve the issuance of the license. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

At the request of the City Attorney, Marion E. Wynne, the City Council will rise from the meeting to go into Executive Session based on Section 36-25A-7(a)(3) to discuss pending litigation to discuss pending litigation. The approximate time to be in Executive Session is 30 minutes. Councilmember Brewer moved to go into Executive Session. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Exited the dais at 7:12 p.m. Returned at 7:53 p.m.

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Timothy M. Kant is hereby authorized to enter into a Real Estate Purchase Agreement with the Dyas family to acquire 108 acres which the City intends to use as parkland and to preserve the greenspace for the purpose of protecting the Fly Creek Watershed. The City fully expects and intends to seek reimbursement and payment from the Federal Government for this environmental project pursuant to the RESTORE Act, the Clean Water Act, and other sources of funding related to the BP oil spill. The motion was seconded by Councilmember Ford. Council President Burrell asked Mayor Kant where the funding would be for the initial \$3.0 million dollars. Mayor Kant replied \$1.5 million dollars from the Gas Fund and the other \$1.5 million dollars from the Electric Fund.; and this money would be paid back over the next few years.

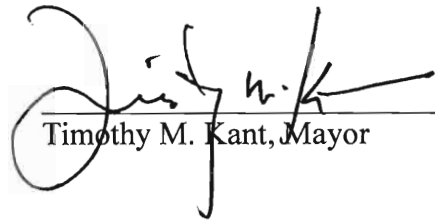
Councilmember Brewer commented that the City Council and Mayor's intentions are to protect the land; and to remain parkland forever and keep greenspace forever. Council President Burrell said he echoed Councilmember Brewer's comments and their intention is to keep this property as parkland forever. After further discussion, motion passed unanimously by voice vote.

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**RESOLUTION NO. 2129-13**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Timothy M. Kant is hereby authorized to enter into a Real Estate Purchase Agreement with the Dyas family to acquire 108 acres which the City intends to use as parkland and to preserve the greenspace for the purpose of protecting the Fly Creek Watershed. The City fully expects and intends to seek reimbursement and payment from the Federal Government for this environmental project pursuant to the RESTORE Act, the Clean Water Act, and other sources of funding related to the BP oil spill.


DULY ADOPTED THIS 14TH DAY OF OCTOBER, 2013




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Timothy M. Kant, Mayor

Attest




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Lisa A. Hanks, MMC  
City Clerk

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

There being no further business to come before the City Council, the meeting was duly adjourned at 7:58 p.m.




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Jack Burrell, Council President




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Lisa A. Hanks, MMC  
City Clerk