

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, 9 December 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 Gray Strickland, Pastor of The Way Community Church, and the Pledge of Allegiance was recited. Councilmember Boone moved to approve minutes of the 25 November 2013, regular meeting; minutes of the 25 November 2013, work session; and minutes of the 25 November 2013, agenda meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Council President Burrell stated there was a need to add on an agenda item after Agenda Item Number 7. Councilmember Boone read a motion to approve the request of Tyler Kean requesting permission for the Fairhope Inn & Restaurant to have live music under tent on Friday, December 13, 2013, for the Annual Wiseman's Ball which benefits Toys for Tots; which would be a variance in the noise ordinance from 7:00 p.m. until 11:00 p.m.

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

Mayor Kant addressed the City Council and said Larry Thomas, President of the Fairhope Single Tax Corporation, is his first item to be discussed. Mr. Thomas presented the City of Fairhope a Deed of Gift for Troyer Boothe Road. He said the deed was delivered to Mayor Kant last week; and the next step is for the City Council to accept Troyer Boothe Road and the deed. Mr. Thomas also stated a new sidewalk project for Morphy Avenue from Greeno Road to Thompson Hall Road.

Mayor Kant thanked Mr. Thomas and the Fairhope Single Tax Corporation for working with the City and him. Mayor Kant mentioned Founder's Park with nearly 40 acres that will be turned over to the City in the near future; and the Museum of History has already been deeded to the City. The Fairhope Single Tax Corporation has been a great partnership to the City.

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Councilmembers Brewer and Ford thanked Mr. Thomas and the Fairhope Single Tax Corporation for working with the City. Council President Burrell also thanked the Fairhope Single Tax Corporation; and hoped the people watching this meeting live realize what they do for the City of Fairhope. City Clerk Lisa Hanks stated the City needs to accept the road for maintenance. Council President Burrell asked City Attorney Wynne to prepare a resolution to accept Troyer Boothe Road.

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

Councilmember Mueller addressed the City Council and said "War Eagle."

Councilmember Brewer addressed the City Council and said "Roll Tide."

Councilmember Boone addressed the City Council and commented the Christmas Parade was really done well and this is a hard gig to put together. He thanked Sherry Sullivan, Community Affairs & Recreation Director, and staff for all of their hard work and making it successful. Ms. Sullivan said that Paige Turberville was the person who deserves the kudos.

Council President Burrell addressed the City Council and also thanked Ms. Sullivan and her staff on the Christmas Parade. He also thanked Jennifer Fidler, Public Works Director, and her staff on the beautiful Flower Clock.

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution To purchase a Firewall Security System for City Departments including the Police Department and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51. The cost will be \$19,997.60. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

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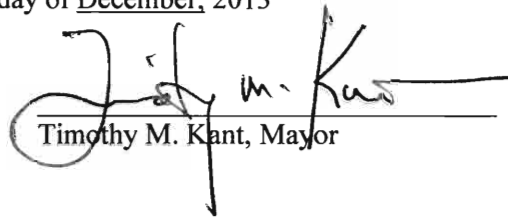
9 December 2013

RESOLUTION NO. 2158-13

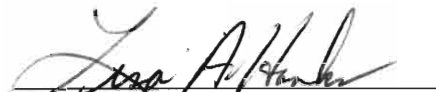
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That the City of Fairhope has voted to purchase a Firewall Security System for City Departments including the Police Department and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51. The cost will be \$19,997.60.

Adopted on this 9th day of December, 2013


 Timothy M. Kant, Mayor

Attest:

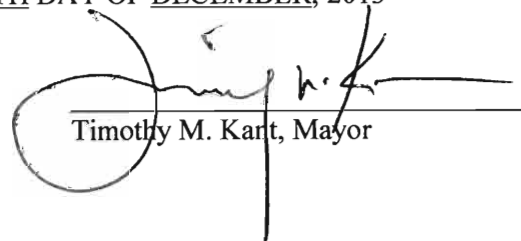

 Lisa A. Hanks, MMC
 City Clerk

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Timothy M. Kant is hereby authorized to execute a Contract between the City of Fairhope and Michael Crabtree d/b/a Aurora Lighting and Sound for "Destiny" the Band for Fairhope New Year's Eve Celebration with a cost of \$2,500.00. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

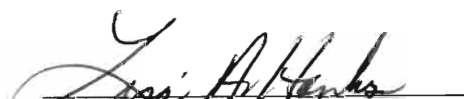
RESOLUTION NO. 2159-13

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute a Contract between the City of Fairhope and Michael Crabtree d/b/a Aurora Lighting and Sound for "Destiny" the Band for Fairhope New Year's Eve Celebration with a cost of \$2,500.00.

ADOPTED ON THIS 9TH DAY OF DECEMBER, 2013


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

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Council President Burrell stated there was a need to amend Agenda No. 7; a resolution authorizing Mayor Kant to enter into agreements with the Dyas family and The Conservation Fund regarding 108 acres of property located within the City and owned by the Dyas family by amending the Item Number 2. Terms of Agreement: Termination, under Terms and Conditions in the Consulting Agreement, should read “the City’s Legal Counsel to negotiate the termination clause.”

Councilmember Mueller moved to amend the resolution by adding the verbiage to the Terms of Agreement: Termination section in the Consulting Agreement: “the City’s Legal Counsel to negotiate the termination clause.” Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution as amended above, a resolution that Mayor Timothy M. Kant is hereby authorized to enter into agreements with the Dyas family and The Conservation Fund regarding 108 acres of property located within the City and owned by the Dyas family; and that Item Number 2. Terms of Agreement: Termination, under Terms and Conditions in the Consulting Agreement, should read “the City’s Legal Counsel to negotiate the termination clause.” Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

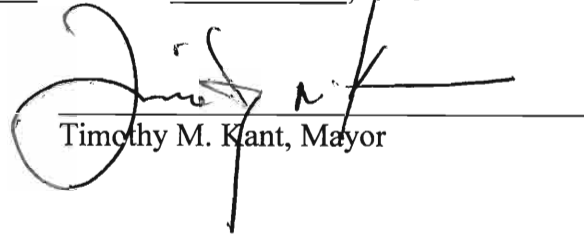
RESOLUTION NO. 2160-13

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to (1) enter into a Consulting Agreement with The Conservation Fund to perform services relating to conservation and restoration project development by working in coordination with the City of Fairhope to directly assist in the identification of potential funding sources, making requests for funding, and securing funds for the City to successfully implement elements of its conservation and restoration project, targeting the Fly Creek Watershed, (2) enter into an Option for the Purchase of Real Estate with The Conservation Fund whereby the City will be granted the option to purchase 108 acres located within the City’s corporate limits that is currently owned by the Dyas family, (3) enter into an amendment of the existing Real Estate Purchase Agreement the City has with the Dyas family to make such modifications to said Real Estate Purchase Agreement as may be reasonably requested by The Conservation Fund, and (4) assign all of the City’s interest in said Real Estate Purchase Agreement to The Conservation Fund in exchange for The Conservation Fund entering into the aforementioned Option for the Purchase of Real Estate. 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.

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BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Item Number 2. Terms of Agreement: Termination, under Terms and Conditions in the Consulting Agreement, should read “the City’s Legal Counsel to negotiate the termination clause.”

DULY ADOPTED THIS 9TH DAY OF DECEMBER, 2013



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, MMC
City Clerk

Councilmember Brewer moved to approve the request of Tyler Kean requesting permission for the Fairhope Inn & Restaurant to have live music under tent on Friday, December 13, 2013, for the Annual Wiseman’s Ball which benefits Toys for Tots; which would be a variance in the noise ordinance from 7:00 p.m. until 11:00 p.m. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

City Attorney Wynne read the following resolution: Be it resolved by the City Council of the City of Fairhope, Alabama, that the City gratefully accepts the Deed of Gift for Troyer Boothe Road from the Fairhope Single Tax Corporation to the City of Fairhope and authorizes the Mayor to sign any documents necessary to complete the transfer.

Councilmember Boone introduced in writing, and moved for the adoption of the above mentioned resolution by City Attorney Wynne. The motion was seconded by Councilmember Ford. Mayor Kant stated that the City Council needs to accept Troyer Boothe Road for maintenance. City Attorney Wynne then read the resolution with the addition: that the City gratefully accepts the Deed of Gift for Troyer Boothe Road from the Fairhope Single Tax Corporation to the City of Fairhope; accepts for maintenance Troyer Boothe Road; and authorizes the Mayor to sign any documents necessary to complete the transfer.

Councilmember Ford moved to amend the resolution by adding the verbiage “accepts for maintenance Troyer Boothe Road.” Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

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Councilmember Brewer moved for the adoption of the following resolution as amended, a resolution that the City gratefully accepts the Deed of Gift for Troyer Boothe Road from the Fairhope Single Tax Corporation to the City of Fairhope; accepts for maintenance Troyer Boothe Road; and authorizes the Mayor to sign any documents necessary to complete the transfer. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

RESOLUTION NO. 2161-13

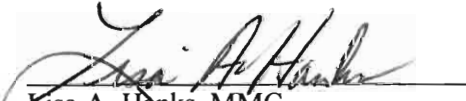
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, That the City gratefully accepts the Deed of Gift for Troyer Boothe Road from the Fairhope Single Tax Corporation to the City of Fairhope; accepts for maintenance Troyer Boothe Road; and authorizes the Mayor to sign any documents necessary to complete the transfer.

Adopted on this 9th day of December, 2013



Timothy M. Kant, Mayor


Attest:



Lisa A. Hanks, MMC
City Clerk

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

There being no further business to come before the City Council, the meeting was duly adjourned at 6:25 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk