

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 Thursday, 23 January 2014.

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

There being a quorum present, Council President Burrell called the meeting to order. Deacon George Yeend, of St. Lawrence Catholic Church, and the Pledge of Allegiance was recited. Councilmember Brewer moved to approve minutes of the 13 January 2014, regular meeting; minutes of the 13 January 2014, work session; minutes of the 13 January 2014, agenda meeting; and minutes of the 14 January 2014, strategic planning meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Mark Stejskal, Executive Director of the Fairhope-Point Clear Rotary Youth Club, addressed the City Council regarding the February 1, 2014 Breakfast with a Purpose benefit for the Rotary Youth Club. The event will be held at The Venue from 8:00 a.m. to 10:30 a.m. He invited the Mayor and City Council to attend this event.

LeeAnn May of Hartmann, Blackmon and Kilgore ("HBK") addressed the City Council and briefly went over the Comprehensive Annual Financial Report "CAFR" for the year ending September 30, 2013. Earl Blackmon was also present to answer any questions from the City Council. Ms. May thanked Jill Cabaniss, Nancy Wilson, and their staff for all of their help throughout the engagement. She also thanked the Mayor and Councilmembers for allowing "HBK" to perform the audit. Ms. May stated that the City of Fairhope will receive an unqualified opinion which is the best opinion her firm can provide.

Jill Cabaniss, Finance Director, addressed the City Council and presented the first quarter financial report via a Power Point Presentation for the quarter ending December 31, 2013. Council President Burrell questioned the Gas Fund; and General Superintendent James Gillespie replied that this was just a lag in revenue and should catch up in March and April.

Councilmember Ford addressed the City Council and questioned the laws for bicycles in downtown Fairhope. Chief Petties responded by stating bicycles have the right of way just like pedestrians. The cyclists must look out for traffic, but can ride downtown. He said the City put lanes in for bicycles.

23 January 2014

A Public Hearing was held on a proposed ordinance for a Franchise Agreement with the City of Fairhope. Councilmember Boone introduced in writing Ordinance No. 1507, an ordinance to approve an application from Julie E. Brent d/b/a Reiki Center of Fairhope for a Franchise Agreement to install and operate a Stress Management Services Kiosk at the North Beach Park near the parking area before the fence and between the generators and Mobile Bay.

Council President Burrell read the proposed ordinance.

Council President Burrell opened the Public Hearing at 6:22 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:22 p.m.

In order to take immediate action, Councilmember Brewer moved for immediate consideration. Seconded by Councilmember Boone, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None. Councilmember Brewer then moved for final adoption of Ordinance No. 1507. Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, and Boone. NAY - Ford.

Councilmember Boone introduced in writing Ordinance No. 1508, an ordinance to annex the property of Michael D. Boothe and Martha W. Boothe, located at 21020 Ayrshire Lane, Fairhope, Alabama. Parcel ID Nos. 46-02-10-0-000-055.008 and 46-02-10-0-000-055.015. 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. Councilmember Brewer then moved for final adoption of Ordinance No. 1508. Seconded by Councilmember Boone, 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 accepting all Fairhope's public utilities located in public right-of-ways within Country Place Senior Living for maintenance and to authorize Mayor Timothy M. Kant to execute the Maintenance and Guaranty Agreement between the City of Fairhope and CP 2 (AL), Inc. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

23 January 2014

**RESOLUTION NO. 2168-14**

**WHEREAS**, the Owners of Country Place Senior Living desire to have all Fairhope public utilities located in public right-of-ways accepted for maintenance by the City of Fairhope, Alabama, and;

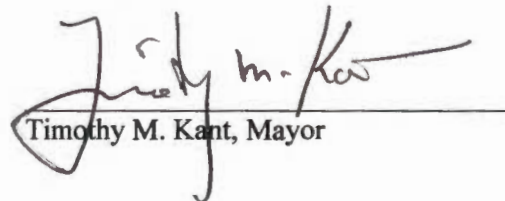
**WHEREAS**, the City of Fairhope, Alabama, has received notice from the engineers of the project that the design and capacity of the public improvements have been designed in conformance with City requirements, and;

**WHEREAS**, the Public Works Director has indicated that the improvements meet City requirements, and;

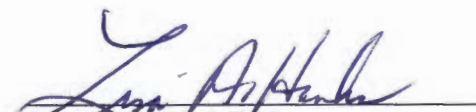
**WHEREAS**, the City of Fairhope, Alabama, has received from the owners of Country Place Senior Living, maintenance bonds for the public improvements constructed for a period of 2 years, and;

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA** that the public improvements indicated herein for Country Place Senior Living to Fairhope are hereby accepted for public maintenance subject to the bond posted; and authorizes Mayor Timothy M. Kant to execute the Maintenance and Guaranty Agreement between the City of Fairhope and CP 2 (AL), Inc. (the "Subdivider").

Adopted this 23rd day of January, 2014

  
 Timothy M. Kant, Mayor

Attest:

  
 Lisa A. Hanks, MMC  
 City Clerk

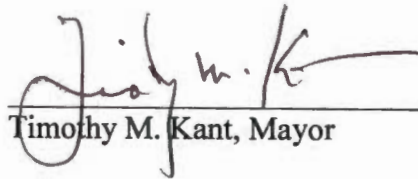
Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has voted to purchase a Caterpillar 924K Wheel Loader for the Public Works Department and the requested item is available for direct procurement through the National Intergovernmental Purchasing Alliance ("National IPA"); and therefore does not have to be let out for bid. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.



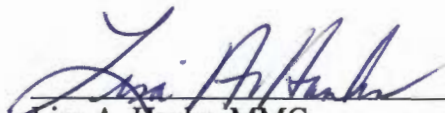
23 January 2014

**RESOLUTION NO. 2169-14****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 Caterpillar 924K Wheel Loader for the Public Works Department and the requested item is available for direct procurement through the National Intergovernmental Purchasing Alliance ("National IPA"); and therefore does not have to be let out for bid. The cost is approximately \$138,109.00 to allow for freight cost variations at ship time.

Adopted on this 23rd day of January, 2014  
\_\_\_\_\_  
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 of Fairhope has voted to purchase a Caterpillar 420F Backhoe/Loader for the Water & Sewer Department and the requested item is available for direct procurement through the National Intergovernmental Purchasing Alliance ("National IPA"); and therefore does not have to be let out for bid. The motion was seconded by Councilmember Brewer. Councilmember Mueller mentioned that these items have been bid by the NIPA and the City is not going around the bid laws. Council President Burrell said there is a savings of approximately \$67,000.00. After further discussion, motion passed unanimously by voice vote.

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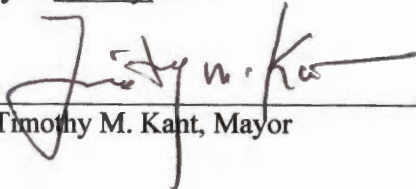
23 January 2014

**RESOLUTION NO. 2170-14**

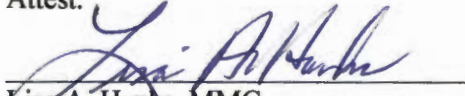
**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, as follows:

[1] That the City of Fairhope has voted to purchase a Caterpillar 420F Backhoe/Loader for the Water & Sewer Department and the requested item is available for direct procurement through the National Intergovernmental Purchasing Alliance ("National IPA"); and therefore does not have to be let out for bid. The cost is approximately \$92,653.00 to allow for freight cost variations at ship time.

Adopted on this 23rd day of January, 2014

  
 Timothy M. Kant, Mayor

Attest:

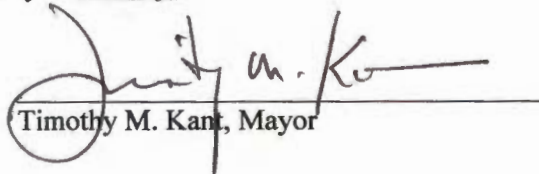
  
 Lisa A. Hanks, MMC  
 City Clerk

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 Extension No. 1 of the Contract with Bay Graphics, Inc. d/b/a Nall Printing for City Sketches Printing (Bid Number 002-13) for an additional year as per the terms and conditions of the original contract. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

**RESOLUTION NO. 2171-14**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Timothy M. Kant is hereby authorized to execute Extension No. 1 of the Contract with Bay Graphics, Inc. d/b/a Nall Printing for City Sketches Printing (Bid Number 002-13) for an additional year as per the terms and conditions of the original contract. The fee schedule will remain the same (.995 each or approximately \$8,995 for 9,000 copies).

Adopted on this 23rd day of January, 2014

  
 Timothy M. Kant, Mayor

Attest:

  
 Lisa A. Hanks, MMC  
 City Clerk

23 January 2014

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution that certain items are declared surplus and the Mayor and City Treasurer are hereby authorized and directed to dispose of personal property owned by the City of Fairhope by receiving bids and being sold to the highest bidder. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

**RESOLUTION NO. 2172-14**

WHEREAS, the City of Fairhope, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

WHEREAS, Section 11-43-56 of the Code of Alabama of 1975 authorizes the municipal governing body to dispose of unneeded personal property;

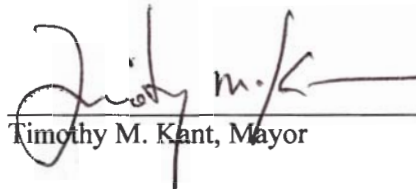
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FAIRHOPE, ALABAMA, AS FOLLOWS:

SECTION 1. That the following personal property owned by the City of Fairhope, Alabama, is not needed for public or municipal purposes, and hereby declared surplus:


[SEE ATTACHED LIST OF EQUIPMENT]

SECTION 2. That the Mayor and City Treasurer are hereby authorized and directed to dispose of the personal property owned by the City of Fairhope, Alabama, described in Section 1, above, by receiving bids for such property. All such property shall be sold to the highest bidder, provided, however, that the City Council shall have the authority to reject all bids when, in its opinion, it deems the bids to be less than adequate consideration for the personal property.

ADOPTED AND APPROVED THIS 23RD DAY OF JANUARY, 2014

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

ATTEST:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

23 January 2014

January 15, 2014

List of City of Fairhope Surplus Vehicles/Equipment... for Auction

Item 1 – 2002 Dodge Ram 1500 Pickup  
Vin # 1D7HA16K1ZJ174452  
Miles 100,000. +

Item 2 – Power Washer 2600 PSI  
Honda 5.0 HP

Item 3 – Sod Cutter  
Honda 8.0 HP

Item 4 – Reel Mower 4 Speed  
Briggs & Stratton 5.0 HP

Item 5 – 1987 International 1600  
Vin # 1ATLAHEKZHHA26377  
Miles 93393.5

Item 6 – 1999 Ford F-350 with Utility Body  
Vin # 1FDWF3FOXEA98090  
Miles 194542

Item 7 – Fiberglass top  
2000 Chevrolet step-side pickup

Item 8 – 2002 Chevrolet Avalanche  
Vin # 2GNEC13T12G27786  
Miles 100,000. +

Item 9 – (4) Platforms 4 X 4 X 8

Item 10 – (1) Platform 4 X 4 X 12

Item 11 – (2) 300 pound seed spreaders

Item 12 – (1) 400 pound seed spreader

List of City of Fairhope Surplus Equipment Continued: 30 Bicycles (out of the approximate 400 Bicycles) to be used by the Recycling Committee; some to be fixed up and sold at Earth Day and a few will be fixed up to be used as prizes for the Recycling Rascals Design Contest.

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 expend Gas Tax Funds for the resurfacing of Ingleside from Porter Lane to Nichols. The motion was seconded by Councilmember Mueller. Council President Burrell commented that Gas Tax Funds are to be used for paving streets. Councilmember Boone mentioned that the County will already be paving up to that point on Ingleside; and this will save the City money by doing our paving at the same time. After further discussion, motion passed unanimously by voice vote.



23 January 2014

**RESOLUTION NO. 2173-14**

**WHEREAS**, the City of Fairhope is in the process of working with the Baldwin County Commission to agree for resurfacing and/or accepting certain roads for maintenance; and

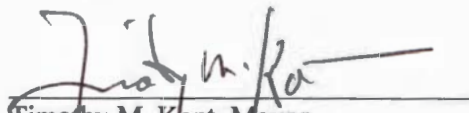
**WHEREAS**, the City is still in the process of evaluating these roads; and

**WHEREAS**, the City desires to extend the resurfacing of Ingleside (which is on the County' list) from Porter Lane to Nichols with a cost estimate from the County of \$17,000.00; and

**WHEREAS**, the above resurfacing project shall be paid from the Gas Tax Fund; and meets the criteria to be paid from said Fund.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Timothy M. Kant is hereby authorized to expend Gas Tax Funds for the resurfacing of Ingleside from Porter Lane to Nichols.

DULY ADOPTED THIS 23RD DAY OF JANUARY, 2014

  
\_\_\_\_\_  
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 that Mayor Timothy M. Kant is authorized to prepay in full the General Obligation Warrant 2009 and expend approximately \$1,737,146 from the Sales Tax Reserve Funds which is the remaining balance needed to prepay this debt; and one-half of the sales tax receipts will be deposited each month into the Sales Tax Reserve Fund until account balance is \$7.0 million. The motion was seconded by Councilmember Brewer. City Treasurer Nancy Wilson addressed the City Council and explained the prepayment plan for the General Obligation Warrant 2009. Council President Burrell said we borrowed last year and put back to \$7.8 million. He commended the City Council for reducing debt. Councilmember Ford said we must be very prudent in borrowing money from this fund; and don't forget what this fund is for. Councilmember Mueller said we may need a cap in the future for borrowing from this fund. After further discussion, motion passed unanimously by voice vote.



23 January 2014

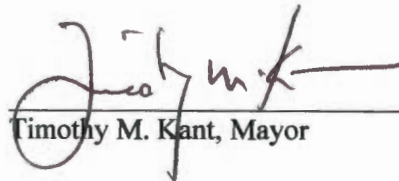
**RESOLUTION NO. 2174-14**

**WHEREAS**, the City Council passed Resolution No. 2128-13 on October 14, 2013 adopting the Budget for the FY 2013-2014 which included \$2.2 million dollars for debt reduction; and


**WHEREAS**, the City of Fairhope desires to prepay the General Obligation Warrant 2009, currently carrying an interest rate of 3.62%; and the needed funds are approximately \$2.4 million dollars which exceeds the budgeted amount.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Timothy M. Kant is authorized to prepay in full the General Obligation Warrant 2009 and expend approximately \$1,737,146 from the Sales Tax Reserve Funds which is the remaining balance needed to prepay this debt; and one-half of the sales tax receipts will be deposited each month into the Sales Tax Reserve Fund until account balance is \$7.0 million.

DULY ADOPTED THIS 23RD DAY OF JANUARY, 2014

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

ATTEST:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

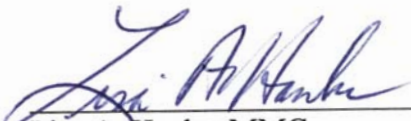
Councilmember Brewer moved to grant the request of Casi Callaway, Mobile Bay Keepers, requesting permission to block streets and use South End Park and Bayfront Park for the Grand Man Triathlon 2014 on May 30, 2014 and May 31, 2014; and permission to serve beer on South Beach Park with all appropriate security after the race. The motion was seconded by Councilmember Mueller. Council President Burrell told Ms. Callaway that we appreciate you and what you do; and it was hard to face you tonight, but we have an ordinance in place and must follow it. Casi Callaway addressed the City Council and said she still wants the City to partner with them and call this the Fairhope Grandman Triathlon. She told them to consider sponsoring this event. Councilmember Brewer asked Ms. Callaway if this was a fundraiser. Ms. Callaway's response was "yes." After further discussion, motion passed unanimously by voice vote.

23 January 2014

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 6:48 p.m.

  
\_\_\_\_\_  
Jack Burrell, Council President

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk