

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, 11 May 2015.

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 Dr. Jerry Henry, Pastor of First Baptist Church, and the Pledge of Allegiance was recited. Councilmember Brewer moved to approve minutes of the 27 April 2015, regular meeting; minutes of the 27 April 2015 work session; and minutes of the 27 April 2015, agenda meeting. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Mayor Kant addressed the City Council regarding the following items:

- 1) Doug Mansmann was recognized by the Optimist Club of Lillian as Officer of the Year.
- 2) Dr. Henry opened his church for National Day of Prayer at noon; we had the Mayor's Prayer Breakfast with the Eastern Shore Chamber in the morning; and had an evening service.
- 3) Mayor Kant announced that any budget items need to be in by the June 1, 2015 deadline.
- 4) Planning Commission had a special called meeting for the Comprehensive Plan update results.
- 5) He apologized for trash pick-up running behind.

The following individual spoke during Public Participation for Agenda Items:

- 1) Richard Thompson, citizen of Fairhope, addressed the City Council regarding Agenda Item No. 7: an Ordinance to provide for the public health, safety, welfare and aesthetic beauty of the City of Fairhope known as the Sign Ordinance. Mr. Thompson stated he is a supporter of the Sign Ordinance is done correctly.

Councilmember Brewer addressed the City Council and reminded everyone of the Community Forum on Education. It will be on May 12, 2015 at 6:00 p.m. in the Fairhope United Methodist Church Recreation Center; and is being presented by the Education Advisory Committee to see how to work on education for Fairhope.

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Council President Burrell addressed the City Council and also mentioned the First Baptist Church prayer service at noon and the Mayor's Prayer Breakfast on Thursday, May 7, 2015. Council President Burrell said that he, Mayor Kant, and several Councilmembers will be attending the Alabama League of Municipalities Convention that begins this weekend. He requested from Mayor Kant an update on Capital Projects.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Brewer introduced in writing Ordinance No. 1535, an ordinance to zone the property of Robert S. Berglin, Jr. and Loree B. May to Planned Unit Development (PUD) concurrent with annexation. This property is generally located at the East corner of Sandy Ford Subdivision, at the end of South Drive, Fairhope, Alabama. Parcel contains 80.4 acres more or less 05-43-08-33-0-000-001.002. Firefly Subdivision. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance. Planning Director Jonathan Smith briefly explained the proposed ordinance.

Council President Burrell opened the Public Hearing at 6:21 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 Mueller, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Mueller, Brewer, and Ford. NAY – None. ABSTAIN - Boone. Councilmember Brewer then moved for final adoption of Ordinance No. 1535. Seconded by Councilmember Ford, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, and Ford. NAY – None. ABSTAIN - Boone.

A Public Hearing was held as advertised on a proposed ordinance for a Franchise Agreement to operate Paddleboard Instruction and Rental, at the Main Pier – South Beach, Fairhope, Alabama. Councilmember Brewer introduced in writing Ordinance No. 1536, an ordinance to approve an Application from John Manelos, Fairhope Paddleboard, LLC, for a Franchise Agreement to operate Paddleboard Instruction and Rental, at the Main Pier – South Beach, Fairhope, Alabama. Council President Burrell read the proposed ordinance. John Manelos, 104 White Avenue, addressed the City Council and explained the proposed franchise for Fairhope Paddleboard, LLC.

Council President Burrell opened the Public Hearing at 6:26 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:27 p.m.

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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. 1536. Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Boone moved for final adoption of Ordinance No. 1537, an ordinance to Provide for the Public Health, Safety, Welfare and Aesthetic Beauty of the City of Fairhope, Alabama known as the Sign Ordinance. (Introduced at the April 27, 2015 City Council Meeting.) Jonathan Smith explained the need for a stand-alone Sign Ordinance. City Attorney Wynne stated this ordinance gives the City police powers within the Police Jurisdiction. Mayor Kant gave the history of the Sign Ordinance; and said signs are more of a freedom of speech. Seconded by Councilmember Mueller, motion for final adoption passed by the following voice votes: AYE – Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Brewer introduced in writing Ordinance No. 1538, an ordinance to Provide for the Public Safety, Health and Welfare of the City of Fairhope, Alabama known as the Film Ordinance. Sherry Sullivan explained the proposed ordinance and its guidelines. She stated they must follow the Noise Ordinance and rules for closing streets. The film permit fee was questioned; and Ms. Sullivan said these take a great deal of staff's time. Council President Burrell said this will tell what our expectations are in the guidelines. 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. 1538. 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 Ordinance No. 1539, an ordinance authorizing the Issuance of the City's \$1,780,000 Principal amount to Utilities Revenue Warrants, Series 2015, dated May 14, 2015. City Treasurer Nancy Wilson explained the proposed ordinance and stated we are going to reduce part of the debt and refinance. She said this will be Utilities Revenue Warrants Series 2015 with a savings of approximately \$700,000.00. 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.

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Councilmember Brewer then moved for final adoption of Ordinance No. 1539. Seconded by Councilmember Muller, 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 complying with the Requirements of Section 8.2(b) of the Trust Indenture between the City of Fairhope, Alabama, and Regions Bank dated as of November 1, 1996. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2359-15

**A RESOLUTION COMPLYING WITH THE
REQUIREMENTS OF SECTION 8.2(b) OF THE
TRUST INDENTURE BETWEEN THE CITY OF
FAIRHOPE, ALABAMA, AND REGIONS BANK
DATED AS OF NOVEMBER 1, 1996,
AS SUPPLEMENTED**

BE IT RESOLVED by the City Council (herein called the "Council") of the City of Fairhope (herein called the "City"), in the State of Alabama, as follows:

In order to comply with the requirements of Section 8.2(b) of that certain Trust Indenture between the City and Regions Bank, dated as of November 1, 1996 (herein called the "1996 Indenture"), so that \$1,780,000 aggregate principal amount of Utilities Revenue Warrants, Series 2015, dated May 14, 2015 (herein called the "Series 2015 Warrants"), of the City may be issued as additional warrants under the provisions of the 1996 Indenture, the Council does hereby adopt this resolution, request that Regions Bank, as trustee, authenticate and deliver the Series 2015 Warrants to the purchaser thereof, and make the following recitals preliminary to the issuance of the Series 2015 Warrants:

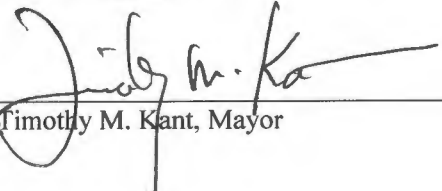
- (1) the City is not at this time in default under the 1996 Indenture and no such default is imminent;
- (2) the person to whom the Series 2015 Warrants have been sold and shall be delivered is Compass Mortgage Corporation;
- (3) the Series 2015 Warrants are to be issued by sale and none thereof is to be issued by exchange;
- (4) the sale price of the Series 2015 Warrants is the par amount thereof, \$1,780,000;

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(5) no obligations have previously been issued by the City under the 1996 Indenture or under any indenture supplemental thereto other than \$4,195,000 aggregate principal amount of Utilities Revenue Warrants, Series 1996, dated November 1, 1996, which were issued under the 1996 Indenture and which were refunded simultaneously with the issuance of the Series 2003 Warrants; \$7,735,000 aggregate principal amount of Utilities Revenue Warrants, Series 1997, dated March 1, 1997, which were issued under the First Supplemental Indenture dated as of March 1, 1997, and which were refunded simultaneously with the issuance of the Series 2005 Warrants; \$1,905,000 aggregate principal amount of Utilities Revenue Warrants, Series 1999, dated June 1, 1999, which were issued under the Second Supplemental Indenture dated as of June 1, 1999, and which were refunded simultaneously with the issuance of the Series 2009 Warrants; \$6,720,000 aggregate principal amount of Utilities Revenue Warrants, Series 2002, dated September 1, 2002, which were issued under the Third Supplemental Indenture dated as of September 1, 2002, and none of which are now outstanding; \$2,300,000 aggregate principal amount of Utilities Revenue Warrants, Series 2003, dated September 1, 2003, which were issued under the Fourth Supplemental Indenture dated as of September 1, 2003, and none of which are now outstanding; \$8,455,000 aggregate principal amount of Utilities Revenue Warrants, Series 2005, which were issued under the Fifth Supplemental Indenture dated as of March 1, 2005, and which are now outstanding in the aggregate principal amount of \$4,590,000; \$1,250,000 aggregate principal amount of Utilities Revenue Warrants, Series 2009, dated April 2, 2009, which were issued under the Sixth Supplemental Indenture dated as of April 2, 2009, and which are now outstanding in the aggregate principal amount of \$630,000; and \$16,140,000 aggregate principal amount of Utilities Revenue Warrants, Series 2011, dated October 13, 2011, which were issued under the Seventh Supplemental Indenture dated October 13, 2011, and which are now outstanding in the aggregate principal amount of \$14,370,000; and

(6) the Series 2015 Warrants are to be issued for the purpose of (a) refunding (on a current basis) the said Series 2005 Warrants, and (b) paying the costs related to the issuance of the Series 2015 Warrants.

ADOPTED THIS 11TH DAY OF MAY, 2015



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, MMC
City Clerk

11 May 2015

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to inform and submit the Municipal Water Pollution Prevention Program (MWPP) Report for 2014 to the Department of Environmental Management. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

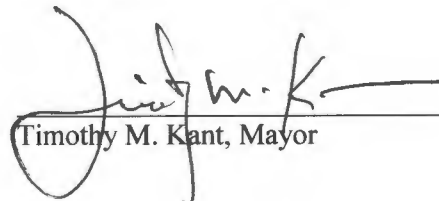
RESOLUTION NO. 2360-15

MUNICIPAL WATER POLLUTION PREVENTION (MWPP) PROGRAM

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to inform the Department of Environmental Management that the following actions were taken by the City Council of the City of Fairhope, Alabama.

1. Reviewed the MWPP Annual Report which is attached to the resolution.
2. Set forth the following actions and schedule necessary to maintain effluent requirement contained in the NPDES Permit, and to prevent the bypass and overflow of raw sewage within the collection system or at the treatment plant:
 - (a) Complete the current wastewater treatment plant upgrades needed for regulatory compliance and to accommodate future growth.
 - (b) Continue to perform O & M requirements to the treatment and collection system and complete repairs when discovered.
 - (c) Continue to provide training opportunities for the operations staff to assist them with maintaining certification and knowledge of current methods and technologies.

Adopted this 11th day of May, 2015



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

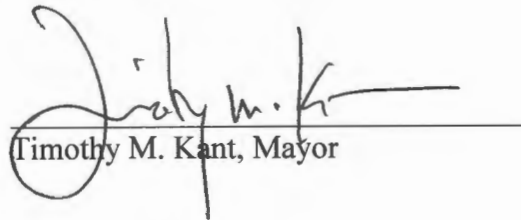
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Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council approves the selection of Payne Pipeline Services for Professional Consulting Services for Natural Gas Distribution Pipeline Compliance for RFQ No. PS010-15; and hereby authorizes Mayor Timothy M. Kant to negotiate the fee schedule. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2361-15

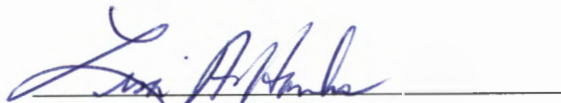
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council approves the selection of Payne Pipeline Services for Professional Engineering Services for the Natural Gas Distribution Pipeline Compliance for RFQ No. PS010-15; and hereby authorizes Mayor Timothy M. Kant to negotiate the fee schedule.

DULY ADOPTED THIS 11TH DAY OF MAY, 2015



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 One 1000 KVA 3 PH Pad Mount Transformer from T&C Specialty Distributor in the amount of \$20,622.00 to replace Electrical Department stock; and must be compatible with our existing system and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7) to obtain informal quotes. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

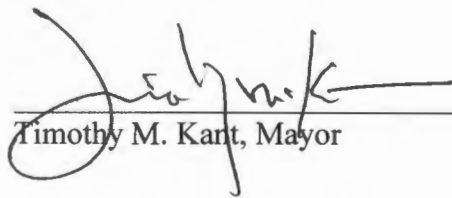
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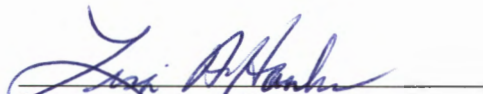
RESOLUTION NO. 2362-15**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:**

[1] That the City of Fairhope has voted to purchase one 1000 KVA 3 PH Pad Mount Transformer for the Electrical Department stock; and must be compatible with our existing system and authorizes procurement without formal bid based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7) to obtain informal quotes and purchase the Pad Mount Transformer. The cost will be \$20,622.00

Adopted on this 11th day of May, 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 Mayor Timothy M. Kant is hereby authorized to execute an agreement between the City of Fairhope and the United States Department of Agriculture Natural Resources Conservation Service for an Emergency Watershed Protection Program for the April 2014 Panhandle Storm Damage at the Sewer Plant and the Woodlands (Woodcove Road). The total approved budget is \$557,912.00: \$389,241.00 (75%) NRCS's contribution of construction cost, \$129,747.00 (25%) City's contribution; and in-kind technical services from technical assistance funds up to a maximum of \$38,924.00 (limited to 7.5% of \$518,988.00). Council President Burrell mentioned this item is over budget, but the number was not known at that time. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

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RESOLUTION NO. 2363-15

BE IT RESOLVED, BY THE GOVERNORING BODY OF THE CITY OF FAIRHOPE AS FOLLOWS:

WHEREAS, the City of Fairhope has been notified of NRCS funds to pay for the construction of certain projects listed below. These projects and funds are hereby a part of Agreement No. 68-4101-15-0012.

WHEREAS, under the provisions of Section 216 of Public Law 81-516, Emergency Watershed Protection Program, and Title IV of the Agricultural Credit Act of 1978, Public law 95-334, NRCS is authorized to assist the Sponsor in relieving hazards created by natural disasters that cause a sudden impairment of a watershed; and,

WHEREAS, the Sponsor and NRCS agree to install emergency watershed protection measures to relieve hazards and damages created by the 2014 April Panhandle Storm at sites identified below in Section A.

NOW THEREFORE, in consideration of the premises and of the several promises to be faithfully performed by the parties hereto as set forth, the Sponsor and NRCS do hereby agree as follows:

- A. IT IS AGREED that the following described work is to be constructed at a total estimated cost of \$518,988.00; with \$389,241.00 (75%) NRCS's contribution of construction cost and \$129,747.00 (25%) City's contribution. Agreement No. 68-4101-15-0012.

| DSR SITE | LOCATION | Estimated Cost |
|-------------------|---|-----------------------|
| FAI-14-001 | Sewer Plant – rip rap and fill to protect Sewer Plant and reduce sediment. | \$ 191,688.00 |
| FAI-14-002 | Woodcove Rd. – restore stream bank using both structural and bioengineering solutions, resize culvert under roads to meet drainage requirements. (Woodlands) | \$ 327,300.00 |
| | | \$ 518,988.00 |

- B. IT IS AGREED that NRCS will reimburse the Sponsor for eligible in-kind technical services not to exceed 7.5 percent of the actual eligible construction cost for constructing the works of improvement described in Section A. NRCS will reimburse in-kind technical services from technical assistance funds up to a maximum of \$38,924.00 (limited to 7.5% of \$518,988.00).

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BE IT FURTHER RESOLVED, that Mayor Timothy M. Kant is hereby authorized to execute an agreement between the City of Fairhope and the United States Department of Agriculture Natural Resources Conservation Service for an Emergency Watershed protection program for the April 2014 Panhandle Storm Damage. The total approved budget is \$557,912.00: \$389,241.00 (75%) NRCS's contribution of construction cost, \$129,747.00 (25%) City's contribution; and in-kind technical services from technical assistance funds up to a maximum of \$38,924.00 (limited to 7.5% of \$518,988.00).

ADOPTED AND APPROVED THIS 11TH DAY OF MAY, 2015


 Timothy M. Kant, Mayor

Attest:


 Lisa A. Hanks, MMC
 City Clerk

The following individuals spoke during Public Participation:

- 1) Stephen Pecot, 163 Oakwood Avenue, addressed the City Council regarding drainage issues in River Oaks Phase 2; and mentioned the maintenance of retention pond upstream and three main subdivision developments.
- 2) Ken Graves, 120 Riley Circle in Spring Run, addressed the City Council regarding drainage issues in Spring Run. Mayor Kant did state that the State of Alabama allows property owners to dam up and keep flow of water off of their property.
- 3) Kathy Barr, 24804 Trott Lane, addressed the City Council regarding her parent's home on Cedar Avenue. She stated this has been going on for over 20 years; and has flooded since 1997.

Council President Burrell replied that there was a settlement agreement signed and \$27,500 was given to the Barnettes and all the work specified by their engineer was done according to that agreement. A release states that this has been forever settled. City Attorney Wynne reiterated that your parents did sue the City, we paid the settlement, performed the work specified by the engineer; and it releases the City.

Mayor Kant mentioned the FEMA grant for purchasing the property still being sought and the need for the Barnettes to sign the document in order for the City to submit the final documents for their review.

- 4) Steve McMillan, 303 Lake Ridge Drive, addressed the City Council regarding fluoride in the drinking water. He requested to speak to them more in-depth on this issue.

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Council President Burrell stated he has read his e-mails and the literature put in the Council's boxes. He questioned why the American Dental Association and American Medical Association would still support the use. Mr. McMillan stated that toxicologist say it is poison. Council President Burrell replied he needs direction for the City Council on this matter and if they would like more information. Councilmember Brewer explained how Mr. McMillan could apply for being on the Fairhope Environmental Advisory Board.

- 5) Donald and Patricia Skeel, residents of Spanish Fort, addressed the City Council regarding an incident that happened at the Fairhope Pier on March 30, 2015. Ms. Skeel stated that she and her husband were struck by a car with no warning while the car was backing off the pier. She urged the City Council to pass an ordinance to prohibit anyone from backing up with no back up lights and beepers.

Council President Burrell replied that he knew about this issue and spoke to the Mayor regarding same. Mayor Kant said that no one will back up off the pier without someone walking with the vehicle to make sure it is all clear.

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 7:33 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk