

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 September 2009.

Present were Council President Debbie W. Quinn, Councilmembers: Daniel Stankoski, Lonnie L. Mixon, Michael A. Ford, and Rick Kingrea, Mayor Timothy M. Kant, City Attorney Marion E. Wynne, and City Clerk Lisa A. Hanks.

There being a quorum present, Council President Quinn called the meeting to order. The invocation was given by Associate Pastor Jeff Ingram, of First Baptist Church and the Pledge of Allegiance was recited.

Council President Quinn stated that the Feasibility Study would not be voted on or discussed at this meeting tonight. The budget will be voted on with the Community Development Budget included. There is not a separate line item in the budget for the Feasibility Study.

Council President Quinn announced that they needed to amend the agenda by adding on the following items: Resolution to appoint an Abstractor to perform records search at the end; and under the Finance Committee: Motion to purchase a Surplus Tractor for the Alabama Department of Transportation for Public Works Department, Resolution to purchase truck for Animal Control Division, and Possible purchase of property for the Recreation Department.

Councilmember Ford moved to address the above mentioned items **not** on the printed agenda. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

Councilmember Stankoski moved to approve minutes of the 14 September 2009, regular meeting. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Sherry Sullivan made the following announcements:

- The Nix Center is offering flu and pneumonia shot clinic on Wednesday, September 30, 2009 from 10:00 a.m. to 5:00 p.m.
- The City of Fairhope is hosting a Fall Outdoor Farm Market October 8 - November 12, Every Thursday evening, 3:00 p.m. until dusk
- The City of Fairhope Recreation Center will be hosting a Health Fair and Membership Drive on Wednesday, October 7 from 8 a.m. until Noon, offering free body mass index and blood pressure screenings, flu shots and refreshments.

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- First Friday Art Walk is held the First Friday of every month, begins at the Eastern Shore Art Center.
- Walk a Child to School begins this Friday.
- Quail Creek Golf Course will hold its Grand Opening on Saturday beginning at 8:00 a.m., October 3, 2009.
- October is Breast Cancer Awareness Month and all City employees were asked to wear pink on the Fridays in October.

Mayor Kant addressed the City Council and read the following:

The City of Fairhope is moving ahead with nothing but great things happening!

This year we have been in magazines from being the 4th best community to whether the recession; to one of the top 25th places to retire in small or large cities. We have opened a new recreation center, which in just 2 weeks has over 350 members. Everyone who goes to the Center cannot believe that a city our size has a facility like the Recreation Center. But anyone who understands Fairhope knows why – it is because of the thousands of volunteers and the dedicated employees working together make the Fairhope magic!

This Saturday at 8:30 a.m., Quail Creek will reopen! This is because of folks like Ben Barnhill, Tommy Thompson, the late Bernie Lucassen and Barney Shull pushing to make the golf course happen.

The Fairhope High School football team is on a winning streak and the Soccer team was State Champions this past year.

I stated a few months ago that the recession is Fairhope is over --

Since Ivan, the City finances have been out front and we have been focused on dollars instead of focusing on what we have done to make Fairhope a great City. I believe we should make sure this City is for all citizens and not just make business decisions based dollars. I don't believe you can put a cost on a person's value.

I come before you tonight to state the finances for this past year are in great shape. Utilities are set to make over \$7 million for the year and the general fund will be in the black over \$200,000. The net for both the utilities and the government added together will be \$4,073,000 with an increase of over \$2.5 million in operating cash. This is great news for Fairhope.

Tonight, before you is the 2009-10 budget. I want to thank the council for their work on the budget since I presented to them the last week of August.

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I would like for the Council to consider the COLA increase for city employees. I have a few facts that the council should consider, not a committee.

COLA and merit increases should be addressed by Dept. Heads and the council along with mayor, justifications should be given at that time. To my knowledge, no justification or debate on city employee increases was ever discussed. The City Administrator and the HR director stated at the last meeting that a new pay scale and COLA formulas would be ready for council consideration. I had asked the amount of the COLA to be left in the budget so the council could decide this issue once the pay scales were approved. The council should make the final decision on this issue.

Looking at this year's budget, I would like to make the following observations:

1. The estimated \$3.8 million in sales tax revenue is currently \$200,000 under estimated, based on the past two month revenues from sales tax.
2. Utilities transfers will only be 19% of the total revenue to operate the city.
3. Building sidewalks with \$90,000 matching grant.
4. Savings of \$1.9 million in government reserves and \$2 million in the utility reserves.
5. Total capital expense for general government grew from \$500,000 this year to \$2.3 million in next budget year.
6. Increase in library funding of \$25,000.
7. Increase in airport appropriations of \$82,000.

Now back to the employees:

This budget year (2008-09) we cut employee overtime by \$485,000.

The 246 hourly employees should be considered for a COLA increase. A 3% increase would cost \$311,542 or 2% would cost \$207,694. Surely with all the debates on finances, we could find an extra \$300,000 for the employees. Just off the top of my head, we could cover that cost by not allowing cars to leave the police jurisdiction or increase rounds of golf by \$2 to \$3.

I have heard nothing but that we cannot give a raise because no one else is giving a raise. Robertsedale will give a 2% in April, Spanish Fort a 2% and even the federal government is giving a 2.4% COLA.

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I would hope that if revenues are up after the first of the year that you would give the employees an increase. The same employees who sacrificed and cut to save jobs and are the same ones that made sure the City stayed in the black this current fiscal year.

Remember, people want to live and work in their City. Giving a \$20 a week raise for an hourly employee might enable that employee to watch his or her daughter or son play little league instead of having to take a second job. As you pass your \$61 million budget, please remember this great City is what it is today because of our employees!

Joe Faust, State Representative, said it was a privilege to live in the City of Fairhope and that he was available to assist in any way.

Mayor Kant then requested from the City Council to attend Annual Water Environment Expo. Councilmember Kingrea moved to approve the request of Mayor Kant to attend the Annual Water Environment Expo. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Kingrea stated that the agenda item regarding the electric rates did not need to be addressed tonight. He heard that the AMEA may fund the rate study and needs to be held over for two weeks.

Councilmember Mixon moved to approve the hiring of the Mayor's Secretary at a starting pay of \$35,000 and any pay increases to be approved by the City Council. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Council President Quinn requested Gregg Mims, City Administrator, to have the Organizational Chart updated and bring back to the City Council for approval.

Council President Quinn stated that Community Development Projects budgeted for 2008-2009 needed to be addressed and voted on. She first mentioned Blueprint for Tomorrow and Darrelyn Bender, President of the Eastern Shore Chamber of Commerce, gave a brief statement. After further discussion, Councilmember Ford moved to approve the payment of \$35,000 for Blueprint for Tomorrow. Seconded by Councilmember Kingrea, motion passed by the following voice vote: AYE – Quinn, Stankoski, Ford, and Kingrea. NAY - Mixon.

Council President then addressed the other two appropriations: Baldwin County Economic Development Alliance and Ecumenical Ministries and said she would entertain a motion to approve the payment of these appropriations, both in the amount of \$10,000. After further discussion, Councilmember Ford moved to approve the payment of \$10,000 each for the Baldwin County Economic Development Alliance and Ecumenical Ministries. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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Councilmember Ford addressed the City Council regarding the possible purchase of property for the Recreation Department. He stated a formal offer to purchase was made and a closing scheduled for this Thursday. Councilmember Ford mentioned he had met with Councilmember Mixon and City Treasurer Nancy Wilson this morning. He said Councilmember Mixon wants them to go back to the Financial Advisory Committee, but we need to move ahead with the purchase. He stated I like advice from committees, but we are elected officials and should make our own decisions. The property was originally 40 acres and the owners took a 50 foot strip off Highway 13 which makes it approximately 38.5 acres at \$22,500 per acre. If we hold up, it would be a mistake.

Council President Quinn asked where the money to purchase would come from. Councilmember Ford replied; we have \$300,000 in Capital Improvement Fund and would use \$200,000 for a down payment; there is \$300,000 in the Bond Fund and we would use \$200,000 which leaves a balance of \$500,000. This \$500,000 would be borrowed from the bank and paid back over five years.

Councilmember Mixon said the Financial Advisory Committee met over the past weeks to discuss the budget and have not heard of this. Councilmember Stankoski stated that you were supposed to negotiate and come back with numbers; you have already purchase title insurance; and this is the first time we heard of this amount.

Councilmember Ford said we are responsible for the money. Council President Quinn asked; can we wait? Councilmember Ford replied we want to go forward and have the power to do this tonight.

After further discussion, Councilmember Ford moved to sign agreement and purchase the property by using \$200,000 from Capital Improvement Fund, \$200,000 for the Bond Fund, and borrow the \$500,000 from the bank paying back the loan within five years. The motion died for lack of a second.

Nancy Wilson addressed the City Council and stated that on July 13, 2009 the Maddie Grant of \$25,000 was accepted and Chief Press gave examples of items that could be purchased with the money. She mentioned a truck for the Animal Control Division was one of the items. After further discussion, Councilmember Mixon introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase an Animal Control Truck for the Animal Control Division (Animal Shelter) from the Alabama State Department of Purchasing bid list. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

28 September 2009

RESOLUTION NO. 1558-09

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 Animal Control Truck for the Animal Control Division (Animal Shelter) and the type of vehicle that is 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:

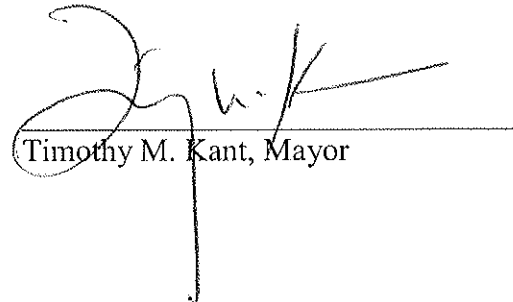
Bid Number for Body: T191

Contract Number: 4010182

Ford F150 Ext. Cab Truck

\$ 16,802.00

Adopted on this 28th day of September, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

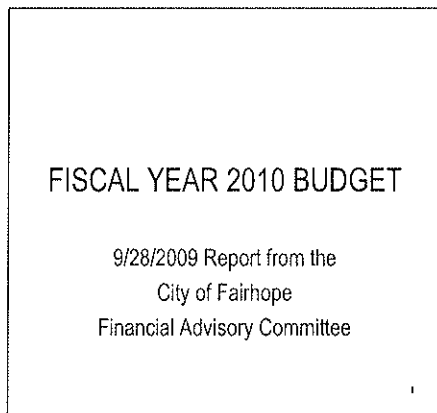
Nancy Wilson also discussed the purchase of a 2005 Massey-Ferguson Rotary 6-Cylinder Tractor, SE-008917 (07)P070071, from the Alabama Department of Transportation (ALDOT) Surplus List. She mentioned this was a budgeted item, the tractor we are using now was purchased from ALDOT in 2001, and the 2005 tractor would save the City approximately \$15,000. After further discussion, Councilmember Mixon moved to purchase the 2005 Massey-Ferguson Rotary 6-Cylinder Tractor from ALDOT. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

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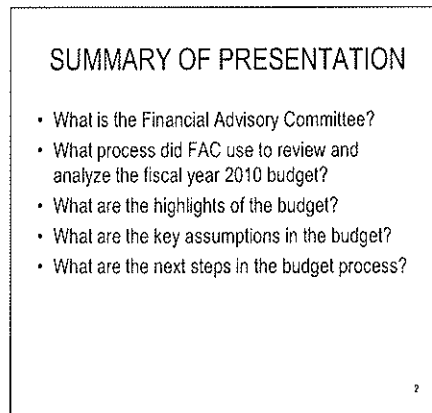
Council President Quinn announced Items 8.a.), 8.b), 8.c.). are minutes from Special Boards and Commissions being presented and reviewed by the City Council:

- a.) Personnel Board
Review minutes from meeting held August 27, 2009
- b.) Strategic Planning Steering Committee
Review minutes from meeting held August 13, 2009
- c.) Financial Advisory Committee
Review minutes from meeting held August 26, 2009
Review minutes from meeting held August 27, 2009
Review minutes from meeting held September 10, 2009

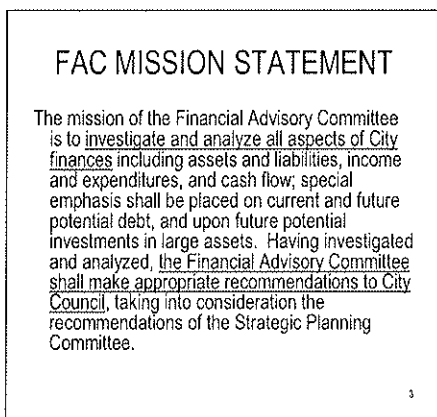
Chuck Zunk, Chairman of the Financial Advisory Committee, addressed the City Council and went over the following Presentation:



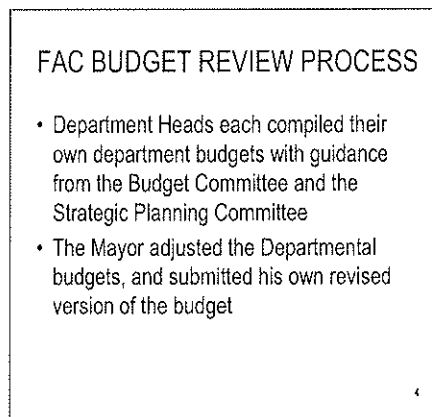
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BUDGET REVIEW PROCESS - Continued

- Financial Advisory Committee reviewed and analyzed both of the original budget versions, one version based on submissions from the individual Department Heads and the other based on the revised version submitted by the Mayor
- FAC review meetings were conducted 8/26, 8/27, 9/10, and 9/22

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BUDGET REVIEW PROCESS - Continued

- FAC reviewed both versions of the budget department-by-department, line-by-line
- FAC made its own determinations regarding each item in the budget, sometimes accepting the Department Heads' recommendation, sometimes accepting the Mayor's recommendation, and sometimes accepting a recommendation different from both the Department Heads and the Mayor

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BUDGET REVIEW PROCESS - Continued

- All meetings of FAC have been – and will be – conducted in public in full compliance with the Open Meeting laws
- The budget being presented to you tonight represents the recommendations of FAC, reviewed and analyzed in public meetings, with input from City Department Heads and the Mayor

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GOVERNMENT GENERAL FUND

FY2009 Estimated Actual:	FY2010 Budget Proposed:
Revenue \$19,434,036	Revenue \$24,829,640
Expenditures \$19,555,499	Expenditures \$24,774,782
Surplus/(Deficit) \$(121,463)	Surplus/(Deficit) \$54,858

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GAS FUND

FY2009 Estimated Actual:	FY2010 Budget Proposed:
Revenue \$8,178,500	Revenue \$8,456,976
Expenditures \$7,149,900	Expenditures \$5,464,211
Operating Profit/(Loss) \$1,028,600	Operating Profit/(Loss) \$2,992,765

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GAS FUND

FY2009 Estimated Actual:	FY2010 Budget Proposed:
Operating Profit/(Loss) \$1,028,600	Operating Profit/(Loss) \$2,992,765
Transfers to General Fund \$1,871,702	Transfers to General Fund \$1,792,666
Net Profit/(Loss) \$(843,102)	Net Profit/(Loss) \$1,200,099

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ELECTRIC FUND	
FY2009 Estimated Actual:	FY2010 Budget Proposed:
Revenue \$18,169,500	Revenue \$19,426,996
Expenditures \$16,711,100	Expenditures \$16,694,169
Operating Profit/(Loss) \$1,458,400	Operating Profit/(Loss) \$2,732,828

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ELECTRIC FUND	
FY2009 Estimated Actual:	FY2010 Budget Proposed:
Operating Profit/(Loss) \$1,458,400	Operating Profit/(Loss) \$2,732,828
Transfers to General Fund \$1,580,187	Transfers to General Fund \$1,636,964
Net Profit/(Loss) \$(121,787)	Net Profit/(Loss) \$1,095,864

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WATER/SEWER COMBINED	
FY2009 Estimated Actual:	FY2010 Budget Proposed:
Revenue \$9,058,000	Revenue \$9,035,899
Expenditures \$6,736,100	Expenditures \$6,762,472
Operating Profit/(Loss) \$2,321,900	Operating Profit/(Loss) \$2,273,427

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WATER/SEWER COMBINED	
FY2009 Estimated Actual:	FY2010 Budget Proposed:
Operating Profit/(Loss) \$2,321,900	Operating Profit/(Loss) \$2,273,427
Transfers to General Fund \$992,247	Transfers to General Fund \$1,467,474
Net Profit/(Loss) \$1,329,653	Net Profit/(Loss) \$805,953

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WATER FUND	
	FY2010 Budget Proposed:
	Revenue \$5,899,499
	Expenditures \$3,449,626
	Operating Profit/(Loss) \$2,449,873

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WATER FUND	
	FY2010 Budget Proposed:
	Operating Profit/(Loss) \$2,449,873
	Transfers to General Fund \$1,467,474
	Net Profit/(Loss) \$982,399

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WASTE WATER FUND	
	FY2010 Budget Proposed:
	Revenue \$3,136,400
	Expenditures \$3,312,846
	Operating Profit/(Loss) \$(176,446)

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WASTE WATER FUND	
	FY2010 Budget Proposed:
	Operating Profit/(Loss) \$(176,446)
	Transfers to General Fund \$ -----0-----
	Net Profit/(Loss) \$(176,446)

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- KEY ASSUMPTIONS IN BUDGET**
- Sales tax generates \$3,800,000 revenue
 - Half of sales tax is spent in General Fund
 - Half of sales tax is saved in special reserve account
 - Transfers of funds from the Utilities (59.9%) are dampened down from recent trends allowing the Utilities to build up their reserves

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- KEY ASSUMPTIONS - continued**
- 3% cost of living raise is omitted (\$381,000)
 - Merit increases are omitted (\$87,000)
 - Overtime is equal to or less than FY2009
 - Blue Cross/Blue Shield policy changes

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- KEY ASSUMPTIONS - continued**
- Accrued actuarial liability of the Retiree healthcare benefit is \$6,740,895
 - The FY2010 Annual Required Contribution of \$611,853 will be fully funded, leaving a net liability of \$6,129,042
 - Any amount of the \$611,853 not spent in FY2010 will be saved in a special account designated for Retiree healthcare benefits

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- KEY ASSUMPTIONS - continued**
- *Special Note -- Accrued actuarial liability of the Retiree healthcare benefit of \$6,740,895 assumes no new employees*

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KEY ASSUMPTIONS - continued

- The effect of the change of the Golf Department food & beverage concession is approximately revenue-neutral
- \$1,000,000 will be borrowed for the General Fund to purchase four replacement garbage trucks, to be re-paid at \$250,000 per year

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KEY ASSUMPTIONS - continued

- Police Department capital expenditures of \$530,000 include new cars and computer aided dispatch system
- Water Department capital budget includes \$375,700 for new water line to Rock Creek
- *Special Note – Any capital projects in the budget must still be individually approved according to policy, before funds are spent*

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KEY ASSUMPTIONS - continued

- Community Development amount of \$325,000 is earmarked in total, but not allocated to individual projects; City Council will determine method of allocation
- A rate study for the Electric Department should be completed so that any necessary adjustments are made by January 1, 2010

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NEXT STEPS

- City Council approval of proposed FY2010 Budget, with or without modifications
- After Council approval of budget, City Staff will prepare monthly spreads, cash flows, and pro forma balance sheets
- FAC will review quarterly performance against budget, and report to Council

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NEXT STEPS - continued

- City Council consideration of proposed modifications to BC/BS benefit changes
- City Council consideration of limiting eligibility for retiree healthcare benefits
- City Council consideration of rate study for Electric Department

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NEXT STEPS - continued

- City Council determination of procedure for allocating budget money to specific Community Development Projects
- City Council assignment of responsibility for maintaining salary rates and overtime control

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28 September 2009

SPECIAL THANKS !!!!!

- All Department Heads
- The Mayor, Gregg and James
- Rose and Nancy and Staff

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SUMMARY OF PRESENTATION

- ✓ What is the Financial Advisory Committee?
- ✓ What process did FAC use to review and analyze the fiscal year 2010 budget?
- ✓ What are the highlights of the budget?
- ✓ What are the key assumptions in the budget?
- ✓ What are the next steps in the budget process?

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Councilmember Mixon moved to approve the budget presented by the Financial Advisory Committee. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Council President Quinn also thanked Mayor Kant and Department Heads for working with the Financial Advisory Committee on this budget.

Councilmember Ford stated we should compromise and give people something. Councilmember Ford then moved to reconsider pay increases for all employees, a 2% Cost of Living Allowance (COLA). The motion died for lack of a second.

Councilmember Stankoski stated he would like to see the land purchase deal and to be looked at by the Financial Advisory Committee. We approved the Mayor and Councilmember Ford to negotiate the purchase and bring back to the City Council. We need to look at this sooner than the end of October. Council President Quinn said we could discuss at the work session in two weeks.

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution approving the Proposed Budget FY 2009-2010. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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28 September 2009

RESOLUTION NO. 1559-09

BE IT RESOLVED by the Mayor and Council of the City of Fairhope, Alabama, that the proposed Budget presented and reviewed this 28th day of September 2009, be hereby approved and adopted for the FY 2009-2010; 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 - Res. No. 1559-09 said list filed in the Office of the Mayor, of the City Clerk, and of the Personnel Director; and

BE IT FURTHER RESOLVED that each Full Time employee completing 12 (Twelve) months of employment without missing a work day for sick shall receive a special One Time Pay Increase of \$100.00. The twelve month period is October 1 – September 30.

BE IT FURTHER RESOLVED that each Full Time employee shall receive a One Time Pay Increase for the period 1 December 2008 through 30 November 2009; each qualifying employee shall receive \$20.00 per month of employment. To qualify, the employee must be a Full-Time Employee during this period. An employee hired on or before the fifteenth (15) 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:

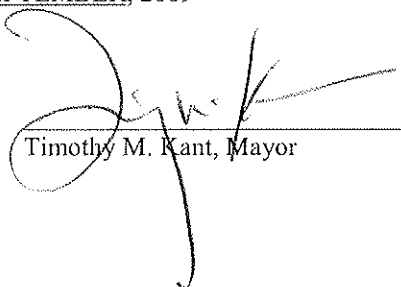
First year	\$ 25.00
Second year	\$ 50.00
Third year	\$ 75.00
Fourth year	\$100.00

The maximum amount for Part-time employees is \$100.00.

This One-Time increase will be awarded on Friday, 4 December 2009.

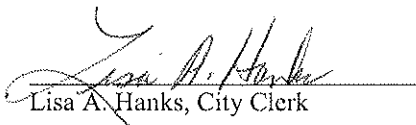
BE IT FURTHER RESOLVED that the Mayor be authorized to enter into a contract with the Eastern Shore Chamber of Commerce to promote the City of Fairhope. The contract shall be for one year, 1 October 2009 - 30 September 2010, but may be canceled at any time. Contract shall call for a payment to the Eastern Shore Chamber of Commerce of \$125.00 per month from the General Fund and \$125.00 per month from each of the Utility Funds; or \$6,000.00 for the one year term.

ADOPTED THIS 28th DAY OF SEPTEMBER, 2009



Timothy M. Kant, Mayor

ATTEST:



Lisa A. Hanks, City Clerk

28 September 2009

Councilmember Mixon introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to write a formal letter of request to the United States Environmental Protection Agency requesting the City of Fairhope be included in the Region 4 Special Appropriation Funding Process for the fiscal year 2010. (Introduced at the September 14, 2009 City Council meeting). Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

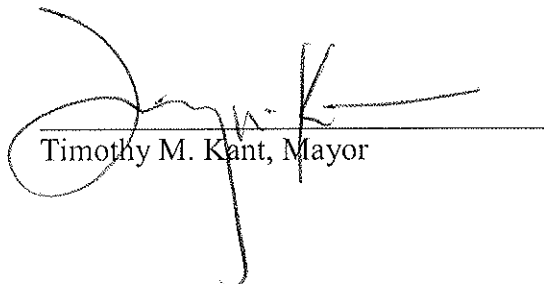
RESOLUTION NO. 1560-09

WHEREAS, the City of Fairhope seeks funding assistance to create a GIS based inventory of its existing storm water infrastructure which will include detention and retention ponds, inflows and out flows along with the City's storm water conveyance system. This inventory will assist the City in documentation existing and potential water infrastructure failure which could be contributing to the sedimentation issues throughout the Fly Creek, Rock Creek, and Mobile Bay watersheds.

WHEREAS, on August 31, 2009, Mayor Timothy M. Kant via electronic mail, sent an informal request, to ensure that the City of Fairhope be included in the Region 4 Special Appropriations Projects Funding Process for the fiscal year 2010.

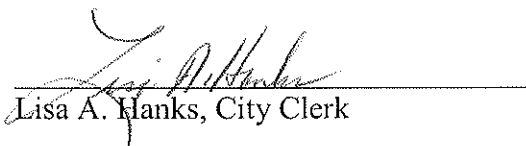
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to write a formal letter of request to the United States Environmental Protection Agency ("USEPA"), Water Protection Division, requesting that the City of Fairhope be included in the Region 4 Special Appropriation Funding Process for the fiscal year 2010.

DULY ADOPTED THIS 28TH DAY OF SEPTEMBER, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

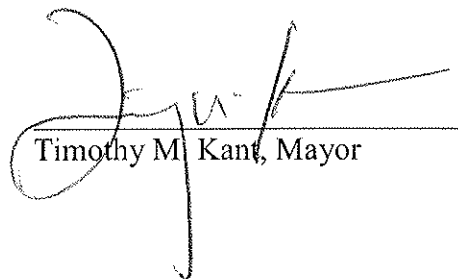
28 September 2009

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to accept the proposed changes to the Blue Cross/Blue Shield policy which will decrease the premiums for single and family coverage. Seconded by Councilmember Mixon, motion passed unanimously by voice vote.

RESOLUTION NO. 1561-09

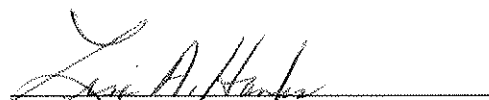
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to accept the proposed changes to the Blue Cross/Blue Shield policy which will decrease the premiums for single coverage by approximately \$12.00 and family coverage by approximately \$30.00

Adopted on this 28th day of September, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Mixon introduced in writing, and moved for the adoption of the following resolution, a resolution that all anticipated or requested expenditures for capital purchases, matching funds for grants, land purchases, donations, community development projects, increases in debt, or expenditures not included in the City's current fiscal year budget be submitted to the Financial Advisory Committee for analysis and recommendation(s) before being submitted to City Council. Seconded by Councilmember Kingrea, motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – None. ABSTAIN – Ford.

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28 September 2009

RESOLUTION NO. 1562-09

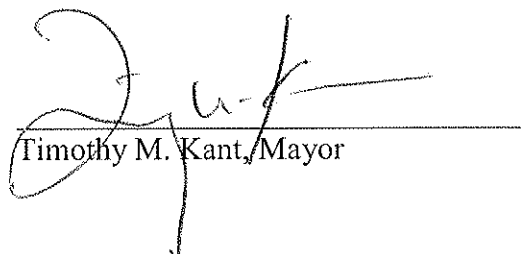
WHEREAS, the City Council has previously established the Financial Advisory Committee with the mission to investigate and analyze all aspects of City finances including assets and liabilities, income and expenditures, and cash flow; and

WHEREAS, the City Council has directed the Financial Advisory Committee to place special emphasis on current and future potential debt, and upon future potential investments in large assets; and

WHEREAS, having investigated and analyzed such matters the Financial Advisory Committee is directed to make appropriate recommendations to City Council, taking into consideration the recommendations of the Strategic Planning Committee; and

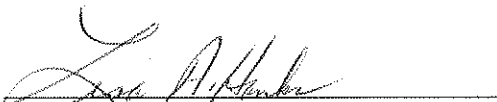
NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that all anticipated or requested expenditures for capital purchases, matching funds for grants, land purchases, donations, community development projects, increases in debt, or expenditures not included in the City's current fiscal year budget be submitted to the Financial Advisory Committee for analysis and recommendation(s) before being submitted to City Council for consideration; except that, if either the City Administrator or the President of City Council shall determine that such anticipated or requested expenditure is an emergency which cannot be delayed, such requested expenditure may be submitted directly to City Council for consideration.

Adopted on this 28th day of September, 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

Councilmember Mixon introduced in writing, and moved for the adoption of the following resolution, a resolution setting certain 2009 – 2010 Holidays. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

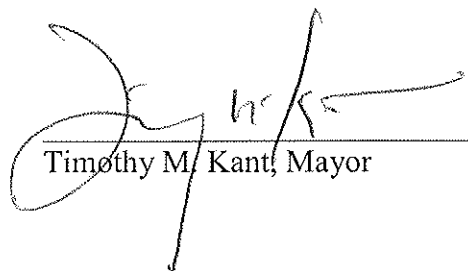
28 September 2009

RESOLUTION NO. 1563-09

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, THAT THE FOLLOWING 2009 – 2010 HOLIDAYS WILL BE OBSERVED BY ALL CITY PERSONNEL EXCEPT EMERGENCY EMPLOYEES:

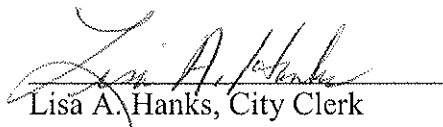
- Veterans Day* - *Wednesday, November 11, 2009*
- Thanksgiving* - *Thursday & Friday November 26 & 27, 2009*
- Christmas* - *Thursday & Friday, December 24 & 25, 2009*
- New Years Day* - *Friday, January 1, 2010*
- Martin Luther King, Jr.* - *Monday, January 18, 2010*
- Memorial Day* - *Monday, May 31, 2010*
- Independence Day* - *Monday, July 5, 2010*
- Labor Day* - *Monday, September 6, 2010*

DULY ADOPTED THIS 28TH DAY OF SEPTEMBER, 2009



Timothy M. Kant, Mayor

Attest



Lisa A. Hanks, City Clerk

Councilmember Mixon introduced in writing, and moved for the adoption of the following resolution, a resolution to award RFQ for Credit Card Processing for the Fairhope Recreation Center, the Quail Creek Golf Course, and the Fairhope Municipal Court. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

28 September 2009

RESOLUTION NO. 1564-09

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

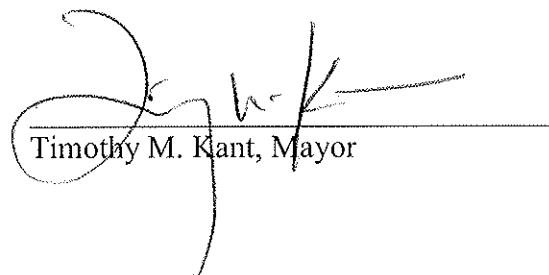
[1] That the City of Fairhope did request and receive RFQs for Credit Card Processing for the Fairhope Recreation Center, the Quail Creek Golf Course, and the Fairhope Municipal Court at 161 North Section Street in the City of Fairhope offices, Fairhope, Alabama.

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

Please see attached RFQ Tabulation for Credit Card Processing
for the Fairhope Recreation Center, the Quail Creek Golf Course,
and the Fairhope Municipal Court

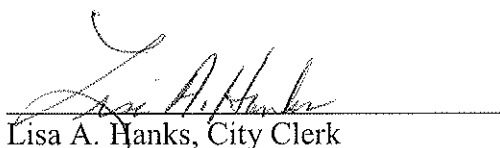
[3] After evaluating the RFQ proposal with the required specifications, BancorpSouth, with the total RFQ proposal using the Credit Card Interchange Rate plus .15bp, is now awarded the RFQ for Credit Card Processing for the Fairhope Recreation Center, the Quail Creek Golf Course, and the Fairhope Municipal Court.

Adopted on this 28th day of September 2009



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

28 September 2009

CREDIT CARD PROCESSING - RECREATION CENTER, QUAIL CREEK, MUN. COURT
 PROPOSALS REC'D 9/17/09

Bank	Processor	Equipment Purchase	Equip. Mo. Lease	Set-up Fee	Authorization/Access Fee	Processing Fees	Monthly PCI Insurance Fee	Credit Interchange Rate	Debit Interchange Rate	Monthly Stmt. Fees	Service Chrg.	Trans. Closing Time	Adj.
BBVA Compass		Vx270 626	45.95	0	0.10/MC/Nov/Dec \$.16 AX	.10% + pass thru (\$26 min)	6.99		.20/ten + pass thru	0	0	user set	yes
Wachovia	Elavon, Inc.	Terminal \$720 Pin Pads \$138	32 5	0	63 item 15/item-AX/Debit	30 trans Debit .12 + .12% - credit (min \$25/mo)		pass thru	pass thru	\$5.00	0		
BB&T	First Data	FD100 \$398	24.64	0		\$0.10		AX - 2.89%	1.47%	0	0	user set	yes
Hancock	First Data	FD200 \$725	31.65	\$49				pass thru + .05% \$.10/ea + pass thru AX - 2.89%		0	\$10.00	10:00 PM	yes
Vision	Merch Mgmt Grp	Terminal \$325 Pin Pad \$ 75	15 5	0		\$0.10		.20 + pass thru		0	0	6:00 PM	yes
BancorpSouth	First Data	FD100 \$399 FD100+PP \$598	24.94 30	0	0	30.00		.15 + pass thru		0	0	user set	yes
FNB of DC	Heartland	Terminal \$398 Pin Pds \$ 75	40 5	0		\$.04 - Credit		.27% + pass thru		0	45	user set	yes
Regions	Elavon	699 n/a		0		Pass thru + \$.10		Pass Thru + .25% PIN Debit - Pass thru + .20%		\$5.00/acct	0	10:00pm	

Based on review of proposals received, I recommend the Credit Card Processing for the Recreation Center, Quail Creek Pro Shop, and Municipal Court be awarded to BancorpSouth
Patricia Havard 9/23/09

Councilmember Kingrea introduced in writing an Ordinance to Amend and Add to Article I, In General Sections, 12-3, 12-4, 12-5.1, 12-5.2, and 12-5.3 relating to the Noise Section of the Fairhope Code of Ordinances. Council President Quinn stated this ordinance discussion would be open to the audience and the ordinance and would not be voted on tonight. This ordinance will layover for final adoption at the next regular City Council meeting.

Patricia Havard, 125 Volanta Avenue, stated she has been a citizen of Fairhope for 20 years. Ms. Havard read a letter dated September 6, 2009 regarding the noise and said that we should require all bands and amplifiers be inside the building. She said bars should close at 12:00 a.m. We do not want a bar town with public intoxication.

Paulette Fedor, 104 Cliff Drive, stated that the City of Fairhope was in the top 25 for Retirement Communities. She mentioned 40% of the citizens of Fairhope are retirees. One establishment in question is only one block away from the Police Department. Most of the owners do not live near their establishments. How can 5 or 6 establishments disrupt a whole City?

28 September 2009

Mark Polon, 464 Equality Street, stated that there were two items removed from the proposed ordinance: (1) yelling and shouting, and (2) the hours from 10:00 p.m. to 7:00 a.m. In my neighborhood, yelling and shouting is more prevalent than noise. Most calls are after 10:00 p.m. and would involve us getting up, putting clothes on, and Police Officers must come inside to listen.

Maureen Ralston, 462 Equality Street, said that the main issue was the City of Fairhope being on the front page of the newspaper and the owner of one of these establishments was quoted; "our bouncer kicked both of them out." Why does an establishment in downtown Fairhope have a need for a bouncer? That one thing in itself should tell you something. It is not only the noise factor that makes them undesirable.

Lee Turner, Fairhope, Alabama, asked for more explanation on Section 12-4 Exemptions. He said this ordinance is subjective in nature.

Councilmember Kingrea replied that once the ordinance is adopted, we plan on asking for an Attorney General's Opinion before we actually enforce it and to make sure we are on solid ground.

Chief Press thanked the City staff, Councilmembers, and citizens for all of their input and help. He said we can never please everybody. We decided what noise is (what is plainly audible) and how to enforce ordinance violations. We took out yelling and shouting because it falls under disorderly conduct. Time and distance was taken out or changed because it should not matter what time of the day noise could be plainly audible and disruptive or how far away the noise is from an establishment. He said subjectivity is in all Police issues. We respond to each complaint, enter the establishments, and will go into homes. The Central Business District is an exemption because someone could move in and now complain about noise. Chief Press then explained the changes in the Sections of the Noise Ordinance presented to the City Council for adoption. He then went over the procedures that his staff would take to enforce this ordinance. All calls to the Police Department will be responded to no matter what.

Councilmember Ford stated that Mr. Kennedy asked me to input on his behalf; Mr. Kennedy is against the removal of the time factor part of the ordinance.

Chief Press said the removal of restriction of time is more beneficial to all citizens. If you go to bed at 9:00 p.m. and the noise is plainly audible, you can now call the Police Department because the noise is bothering you. This ordinance is sound and I feel will pass the Attorney General's Opinion.

Mayor Kant asked if the District Attorney's office had been contacted to review this ordinance.

City Attorney Marion E. Wynne replied that the violations are only misdemeanors and would be handled in the Municipal Court.

28 September 2009

Randy Niemeyer, Fly Creek Café, stated he was glad to hear 40% were retirees who live in the City of Fairhope because that meant 60% were not retirees. Mr. Niemeyer said when he purchased the business, the zoning was in place, obtained a business license, and the noise ordinance was already in place. He suggested Chief Press use a decibel meter.

Mark Polon said the memo specified inside the building. Does that preclude the front porch, veranda, etc.?

Chief Press replied no they are not covered by the ordinance. We want to preserve the quality of life inside the homes/residences.

Jim Horner, 117 Volanta Avenue, said Fairhope has a noise problem and this should include on decks and patios. We have a mix of residential, commercial, and county land. You compromise our privacy by entering our homes. The 10:00 p.m. curfew is our safety net. The 200 plus feet from the establishment should remain in ordinance. The mixed-use concept cannot be in Fairhope.

Council President Quinn mentioned that their comments would be taken into consideration and they would bring back the ordinance in two weeks.

Councilmember Mixon introduced in writing an Ordinance to Amend Ordinance No. 1255 known as the Personnel Rules, Policies and Procedures Ordinance, Section 6.05 Insurance Benefits for Retirees. In order to take immediate action Councilmember Mixon moved for immediate consideration. Mayor Kant explained the reasoning behind the initial adoption on this part of the ordinance. Councilmember Stankoski questioned if the employee would have any insurance retirement benefit. After further discussion, Councilmember Kingrea seconded the motion for immediate consideration, motion failed for lack of a unanimous vote. This ordinance will layover for final adoption at the next regular City Council meeting.

Councilmember Kingrea introduced in writing Ordinance No. 1399, an Ordinance to Amend Ordinance No. 1397 Extending the Regulation of the Hours of Sale for Alcohol Moratorium. In order to take immediate action, Councilmember Mixon moved for immediate consideration. Seconded by Councilmember Kingrea, motion for immediate consideration passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None. Councilmember Mixon then moved for final adoption of Ordinance No. 1399. Seconded by Councilmember Kingrea, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

28 September 2009

Councilmember Stankoski introduced in writing Ordinance No. 1400, an Ordinance to Amend and Add to Chapter 16 Personnel of the Fairhope Code of Ordinances, regarding badge and pistols for Police Officers as a Retirement Benefit. In order to take immediate action, Councilmember Mixon moved for immediate consideration. Seconded by Councilmember Kingrea, motion for immediate consideration passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None. Councilmember Stankoski then moved for final adoption of Ordinance No. 1400. Seconded by Councilmember Mixon, motion for final adoption passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

City Council reviewed an application for a Special Retail License by Monica J. Tucker, A Taste of New Orleans, LLC, d/b/a A Taste of New Orleans located at 19841 Quail Creek Drive, Quail Creek Golf Course, Fairhope, Alabama. Councilmember Mixon moved to approve the issuance of the license. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

Councilmember Mixon moved to approve the charge-off of 2003-2004 uncollectible utility accounts; and for Gregg Mims to look over the list and make sure any debt is paid off before opening a new account. These accounts total \$83,760.97. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Mixon introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope hereby appoints the law firm of Irby & Heard, P.C. as abstractor to perform the records search required by Section 7-89(4) of the Fairhope Code of Ordinances regarding parcel numbers 46-03-37-0-015-008.00 and 46-03-37-0-015-131.000. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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28 September 2009

RESOLUTION NO. 1565-09

WHEREAS, the City of Fairhope Code of Ordinances, Chapter 7, Article V Dangerous Buildings: Elimination or Repair, Sections 7-86 through 7-97 requires the City of Fairhope to appoint an abstractor to provide a records search in order for the City to notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building, found by the building official, to be a dangerous building within the standards set forth in Section 7-86.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, FAIRHOPE, ALABAMA, that the City of Fairhope hereby appoints the law firm of Irby & Heard, P.C. as abstractor to perform the records search required by Section 7-89(4) of the Fairhope Code of Ordinances regarding parcel numbers 46-03-37-0-015-008.00 and 46-03-37-0-015-131.000.

Adopted on this 28th day of September, 2009

Timothy M. Kant, Mayor

Attest:



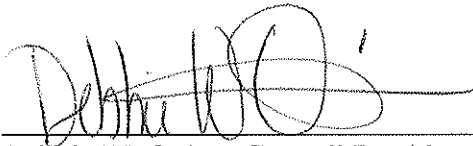
Lisa A. Hanks, City Clerk

Kristie Street, 17750 Greeno Road, addressed the City Council and discussed the children's future in education, especially if you live outside the City limits of Fairhope. Ms. Street said I am a concerned parent that has two children attending J. Larry Newton School. If the City of Fairhope schools split from Baldwin County, we will be bussing our children over 20 miles one-way to Foley. There will be higher property taxes and a higher sales tax. Ms. Street commented we need what is best for our children. The community needs to come together as one; not splitting the community. We need to be proactive such as volunteering or giving money to the schools. She said take the \$25,000 and give to FEEF. If a community can come up with \$25,000 for a Dog Park, what could the community do for our children?

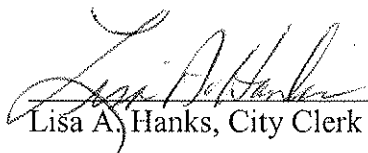
28 September 2009

Councilmember Mixon moved to adjourn the meeting. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 8:12 p.m.

A handwritten signature in cursive script, appearing to read "Debbie W. Quinn", written over a horizontal line.

Debbie W. Quinn, Council President

A handwritten signature in cursive script, appearing to read "Lisa A. Hanks", written over a horizontal line.

Lisa A. Hanks, City Clerk