

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

MONDAY, 28 NOVEMBER 2011 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve Minutes of 7 November 2011 Special Work Session, 14 November 2011 Regular City Council Meeting, and 14 November 2011 Public Participation/Work Session.
2. Report of the Mayor
3. Council Comments
4. City Administrator
5. Public Participation
6. **Public Hearing** - Ordinance - Amend Zoning Ordinance No. 1253.
Zoning Ordinance Amendments - Article II Procedures, Section C. Review Procedures. Table 2-1. Amending to reflect the City Council as the final authority on Site Plan approval.
7. **Public Hearing** - Ordinance - Amend Zoning Ordinance No. 1253.
Request to rezone the property of Harrison and Marjorie Bonner to be rezoned from R-1 Low Density Single Family Residential District to R-2 Medium Density Single Family Residential District. The property is located at the southwest corner of the intersection of Dyer Road and Jubilee Trail, Fairhope, Alabama.
8. **Public Hearing** - Ordinance - Amend Zoning Ordinance No. 1253.
Zoning Ordinance Amendments - Article V Special Districts, Section H. Medical Overlay District.
9. Resolution – Establishing a procedure regarding expenditures.
10. Resolution – Award RFQ for Tent Rentals for New Years Eve 2011 to Blue Rents.
11. Ordinance – Final Adoption – An Ordinance Amending Chapter 20, Traffic, Article I, General, Section 20-2. Authority of City Council. (Introduced at November 14, 2011 City Council Meeting)
12. Application for a Restaurant Liquor License by Cristina Moreno dba Cristinas Catering and Cafe, located at 7 South Church Street, Suite C, Fairhope, Alabama.
13. Adjourn

Next Regular Meeting Monday, December 12, 2011 Same Time and Place

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 November 2011.

Present were Council President Lonnie L. Mixon, Councilmembers: Debbie W. Quinn, Daniel Stankoski, 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 Mixon called the meeting to order. The invocation was given by Dr. Jerry Henry, Pastor at First Baptist Church, and the Pledge of Allegiance was recited. Council President Mixon asked if there were any corrections to the minutes from the 7 November 2011, special work session. He then stated if there are no corrections, the minutes stand approved as written.

Council President Mixon asked if there were any corrections to the minutes from the 14 November 2011, regular city council meeting. He then stated if there are no corrections, the minutes stand approved as written.

Council President Mixon asked if there were any corrections to the minutes from the 14 November 2011, public participation/work session. He then stated if there are no corrections, the minutes stand approved as written.

Mayor Kant addressed the City Council regarding the following items:

- 1) Mentioned the Medical Overlay District on the agenda and asked the Council to move forward with this ordinance which has been worked on for year.
- 2) Mentioned the Street Striping which has been delayed due to the weather; and Handicap Parking. He has talked to the Engineer of Record for the paving and striping and asked that these spaces be put back to the Code for safety. Signage for the handicap will also be addressed as well as ticketing. Mayor Kant recommended the fine to be at least \$100.00 for a violation.
- 3) Mentioned that Friday night is the Christmas Parade.

Councilmember Quinn addressed the City Council regarding the following items:

- 1) Teko Wiseman had passed away over the weekend. She was a visionary for this area as well as Mobile. She worked on the Eastern Shore Trail and was known for her part in Keep Mobile Beautiful.
- 2) Bill Sheridan also passed away and in 2000 was on the Sewer Committee several times.

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- 3) Neighborhood Watch Program was mentioned and several meetings will be held this week: Thursday night at 6:00 p.m. will meet with the 104 area and Country Woods; and Friday at 4:00 will meet with the Woodlands.
- 4) The division of the Recreation Department and the Public Works Department were brought up; and the reason why she voted for the divisions. Councilmember Quinn also mentioned the salaries and possible EEOC issues. She was not comfortable with the vote for the Recreation Department vote. She stated that hopefully with the Compensation and Job Classification Study would help with some of these issues.

Councilmember Stankoski addressed the City Council on the following items:

- 1) Congratulated Councilmember Quinn on her first grandchild.
- 2) Questioned the status of the Police Department personnel issues.

Councilmember Kingrea addressed the City Council on the following items:

- 1) The lighting of the Christmas lights was one of the most amazing things to see.
- 2) Jason Colee has done a great job and will be missed; we all wish Jason good luck for the future.
- 3) George Clayton Ladd, whose parents both work for the City of Fairhope, has been diagnosed with neuroblastoma cancer; and an account has been set up at Vision Bank to help the family.

City Administrator Gregg Mims addressed the City Council and announced that Debbie Quinn was named as Chairperson for the National League of Cities Advisory Council.

A Public Hearing was held as advertised on a proposed ordinance to Amend Zoning Ordinance No. 1253. Councilmember Quinn introduced in writing Ordinance No. 1461, an ordinance to amend Article II Procedures, Section C. Review Procedures, Table 2-1. Amending to reflect the City Council as the final authority on Site Plan approval. The Planning Commission decision was a favorable recommendation of this ordinance. Council President Mixon read the proposed ordinance.

Jonathan Smith, Planning and Building Director, explained the ordinance briefly in regards to the amendment. He said the amendment was to clean up this section and was strictly for housekeeping.

Council President Mixon opened the Public Hearing at 6:15 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:15 p.m.

Councilmember Ford arrived at the City Council meeting at 6:15 p.m.

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In order to take immediate action Councilmember Kingrea moved for immediate consideration. Seconded by Councilmember Quinn, motion for immediate consideration passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None. Councilmember Kingrea moved for final adoption of Ordinance No. 1461, Seconded by Councilmember Stankoski, motion passed for final adoption by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

A Public Hearing was held as advertised on a proposed ordinance to Amend Zoning Ordinance No. 1253. Councilmember Kingrea introduced in writing Ordinance No. 1462, an Ordinance to request to rezone the property of Harrison and Marjorie Bonner to be rezoned from R-1 Low Density Single Family Residential District to R-2 Medium Density Single Family Residential District. The Property is located at the southwest corner of the intersection of Dyer Road and Jubilee Trail, Fairhope, Alabama. The Planning Commission decision was a favorable recommendation of this ordinance. Council President Mixon read the proposed ordinance.

Jonathan Smith, Planning and Building Director, explained the ordinance briefly in regards to be rezoned from R-1 Low Density Single Family Residential District to R-2 Medium Density Single Family Residential District.

Council President Mixon opened the Public Hearing at 6:18 p.m.

1) Bobby Green, 415 Maples, addressed the City Council and mentioned he did not know about the public hearing until two hours before the meeting. He stated there was a stormwater issue and a higher density would cause even more of a stormwater issue. He said there was no time to do more research.

2) Bill Hyatt, 103 N. Church, addressed the City Council and stated he was the advocate for the Bonners. Three lots would be the maximum on this lot. He was in favor of the proposed rezone.

The Public Hearing closed at 6:22 p.m.

In order to take immediate action Councilmember Kingrea moved for immediate consideration. The motion was seconded by Councilmember Quinn. Councilmember Kingrea stated that this amendment was discussed at the Planning Commission meeting and they were unanimously in favor of this. After further discussion, motion for immediate consideration passed unanimously by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

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Councilmember Quinn moved for final adoption of Ordinance No. 1462. Seconded by Councilmember Kingrea, motion passed for final adoption by the following votes: AYE – Quinn, Stankoski, Mixon, Ford, and Kingrea. NAY - None.

A Public Hearing was held as advertised on a proposed ordinance to Amend Zoning Ordinance No. 1253. Councilmember Quinn introduced in writing an Ordinance to amend Article V Special Districts, Section H. Medical Overlay District. The Planning Commission decision was a favorable recommendation of this ordinance. Council President Mixon read the proposed ordinance.

Jonathan Smith, Planning and Building Director, explained the ordinance briefly in regards to Article V Special Districts, Section H. Medical Overlay District. He stated there were public hearings at six different times as well as neighborhood meetings. He said the zoning does not change, but allows more uses.

Council President Mixon opened the Public Hearing at 6:30 p.m.

1) Vince Valentim, Perdido Avenue, addressed the City Council and stated he had studied the proposed ordinance and looked at the matrix; and disagrees with the proposal. This will freeze everyone out there in time. He asked for the City Council to strike this down and let the market take care of itself.

Jonathan Smith stated said he disagreed and properties are not required to change. All businesses fall under Article VII. Non-conformities. Councilmember Quinn mentioned most all are permitted except gas stations; and this opens up options.

2) Bob Griffin, owner of mini-storage on Commercial Park, addressed the City Council and explained he tried to change the verbiage at the Planning Commission meeting. The issue is in G. Development Standards and the suggested change was “with the exception of metal buildings in the District.”

Jonathan Smith said these are protected under Article VII and if something happens to the buildings, the property owner has up to one year to build back just the way it is now. Mayor Kant suggested specifying “no new buildings should have metal showing and would need a façade of some type.” Councilmember Quinn stated that our attorney did not want the wording changed. Council President Mixon asked for all suggested amendments to be sent to Mayor Kant and staff for presenting to the City Council at the next meeting.

The Public Hearing closed at 6:45 p.m.

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Due to a lack of a motion for immediate consideration, this ordinance will layover until the next City Council meeting.

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution to establish a Procedure regarding Expenditures. The motion was seconded by Councilmember Ford. Mayor Kant stated this would help with engineering services needed for projects; but the contracts would still be brought back in front of the City Council for approval. Councilmember Kingrea stated if it is not broke, don't fix it. We should not change which gives us better control over expenses. Councilmember Quinn suggested a trial period of six months. Council President Mixon said we can pass and watch closely.

Dan Ames, Purchasing Manager, addressed the City Council and said there are a large number of procurements come before you because these are over \$7,500; some are \$7,600 go before the City Council. Unless we walk these items on to the agenda, we are looking at a month to get these before you. If Department Heads are responsible for their budgets, and the responsibility came with their signatures signing off on requisitions and which way that money went out of their budgets. And, if they failed in the duties of Department Heads to responsibly spend their budgets. Then, they were called out on the carpet not their employees. The Department Heads would then have to rearrange the money in their budget.

Council President Mixon mentioned that in the last three years, we have not turned down a request.

After further discussion, motion passed by the following voice votes: AYE – Quinn, Stankoski, Mixon, and Ford. NAY - Kingrea.

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RESOLUTION NO. 1879-11

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the following procedure is hereby established for expenditures:

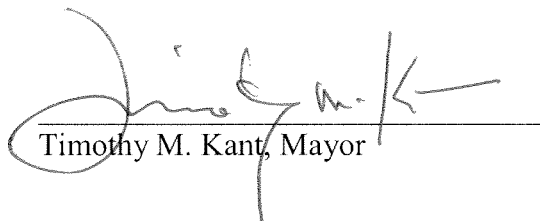
City invoices will continue being paid on a weekly basis, in order to take advantage of any available discounts, and to more nearly match the outflow of cash to the receipt of revenue from the three utility billing cycles. A monthly report will be given to the Councilmembers at the beginning of each month reporting all invoices paid during the prior month.

The City of Fairhope Administration has the authority to spend on any operational budgeted item up to \$15,000.00 or the budgeted amount whichever is less. Any purchase order over \$7,500.00 dollars requires the signatures, on a green sheet, of the Mayor, City Administrator, City Treasurer, and Finance Director.

Any budgeted capital item may be bid with the approval of the Mayor, City Administrator, and City Treasurer. After the bids are received, the Purchasing Manager shall forward to the City Council a report and recommendation concerning the award of each bid. The City Council will review the report and adopt a resolution rendering a decision.

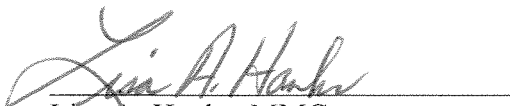
The following resolution is hereby repealed: Resolution No. 1607-10 adopted by the governing body on January 11, 2010.

Adopted on this 28th day of November, 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

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Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution to award RFQ for Tent Rentals for New Years Eve 2011 to Blue Rents. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

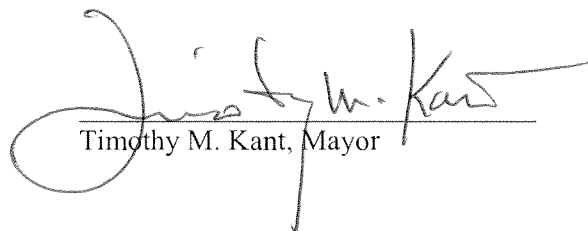
RESOLUTION NO. 1880-11

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

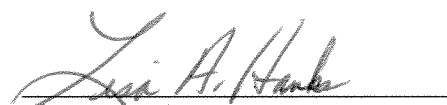
[1] That the City of Fairhope did request and receive RFQs for Tent Rentals for New Years Eve 2011 at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[2] At the appointed time and place; after evaluating the RFQ proposal with the required specifications, Blue Rents, is now awarded for Tent Rentals for New Years Eve 2011.

Adopted on this 28th day of November, 2011


Timothy M. Kant, Mayor

Attest:


Lisa A. Hanks, MMC
City Clerk

Councilmember Kingrea moved for final adoption of Ordinance No. 1463, an Ordinance to amend Chapter 20, Traffic, Article I, General, Section 20-2. Authority of City Council. (Introduced at November 14, 2011 City Council Meeting). The motion for final adoption was seconded by Councilmember Quinn. Councilmember Ford stated if it ain't broke, don't fix it. Council President Nixon said this is a 1956 ordinance and we need more input for these traffic issues. Councilmember Quinn said we used to have a Street Committee and Councilmember Stankoski was in charge of it from 2004 until 2008. The Committee advised the City Council of traffic issues and made recommendations.

Mayor Kant said the old ordinance the Mayor could make a decision and the Council could override the decision. Now we will have a Committee if we need a stop sign or speed bump. Councilmember Stankoski stated that the Street Committee received calls regarding not stopping at stop signs; and requests for three way signs, three way stops, street closings, speed bumps, traffic lights, and Police traffic surveys.

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He mentioned having three traffic surveys done, 19 cars surveyed a weekend, and citizens wanting the street closed. Chief Press stated that it is an excellent idea if we look at these collectively; and he recommended going with the Committee. After further discussion, motion for final adoption passed by the following votes: AYE - Quinn, Mixon, Ford, and Kingrea. NAY - Stankoski.

City Council reviewed an application for a Restaurant Liquor License by Cristina Moreno, d/b/a Cristina's Catering and Café, located at 7 South Church Street, Suite C, Fairhope, Alabama. Councilmember Kingrea moved to approve the issuance of the license. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

City Administrator Gregg Mims addressed the City Council and introduced Joel Lowry with The Linc Group (Energy and Building Solutions), An ABM Company. Mr. Mims mentioned that Mr. Lowry will be presenting the Energy Audit Report and a State law was passed to retrofit and take the savings to do the work.

Mr. Lowry presented a PowerPoint Presentation on Funding Solutions for the City of Fairhope. Bundled Energy Solutions is Linc's program that includes performance contracting which is a vehicle that enables public entities to realize energy and operational savings through capital replacements utilizing the savings to pay for the replacement over multiple years. This would optimize energy and operational budget created through efficient smart buildings/facilities; new infrastructure funded through energy and operational savings; dedicated energy professionals "on staff" at your facilities; and a behavioral program that educates and trains staff, citizens, and students on energy conservation.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:28 p.m.


Lonnie L. Mixon, Council President


Lisa A. Hanks, MMC
City Clerk