

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, 8 August 2016.

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

There being a quorum present, Council President Burrell called the meeting to order. The invocation was given by Gray Strickland, Pastor of the Way Community Church, and the Pledge of Allegiance was recited. Councilmember Brewer moved to approve minutes of the 25 July 2016, regular meeting; minutes of the 25 July 2016, work session; and minutes of the 25 July 2016, agenda meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Mayor Kant addressed the City Council and thanked the Police Department and Chief Joseph Petties for the Family Fun Day this past Saturday. He commented that the Police Department gave away 300 plus book bags. He also mentioned Sunday Night Lights sponsored by the Fairhope Baptist Church holding an event at the Faulkner State Amphitheatre for Bayside and Fairhope football teams.

The following individual addressed the City Council during Public Participation for Agenda Items:

- 1) Paul Ripp, 22985 High Ridge Road, addressed the City Council regarding the Fairhope parks, the soccer field, etc. and the funding for same. He then mentioned Agenda Item Number 10: a resolution authorizing Mayor Kant to execute an agreement with Baldwin County Board of Education regarding the City's donation of \$294,940.51 to the Board for use by the five schools. Mr. Ripp is in favor of the donation to the schools.

Councilmember Brewer addressed the City Council regarding the Fairhope Middle School and test scores. She requested for Ms. Kathryn Doyle, Guidance Counselor, to come forward and give an update on the Aspire Test. Ms. Doyle said there are five subtests for the Aspire Test: math, science, reading, English, and writing. She stated the 7th Grade benchmarked nationally in all five; and the 8th grade benchmarked in all but writing. She then gave statistics for each grade. Councilmember Brewer commented this speaks volumes of what we can do in our schools.

8 August 2016

Council President Burrell addressed the City Council and stated the Harbor Board did a great job with their work and recommendations for the repairs at the City's marina.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Brewer introduced in writing an ordinance to rezone the property of Billy and Shirley Lewis from R-3 PGH High Density Single Family Patio/Garden Home Residential District to PUD (Planned Unit Development). This property is generally located at 8404 Morphy Avenue, Fairhope, Alabama. Parcel No. 05-46-05-16-0-000-028.643. 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. If this building is ever torn down, the rebuild could only be the same size.

Council President Burrell opened the Public Hearing at 6:14 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:14 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the August 22, 2016 City Council meeting.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Brewer introduced in writing an ordinance to rezone the property of Liberty Church Eastern Shore Campus from R-2 Medium Density Single Family Residential District to PUD (Planned Unit Development). This property is generally located between Fairhope Avenue and Morphy Avenue, just east of Beecher Street, Fairhope, Alabama. Parcel Nos. 05-46-05-16-0-000-028.506, 05-46-05-16-0-000-028.514, and 05-46-05-16-0-000-028.815. 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 and commented this is a blighted area. Councilmember Brewer questioned how this fits with the Comprehensive Plan. Mr. Smith stated it fits the goals and vision with its beautification too. The timeframe of this subdivision being built is unknown at this time. Council President Burrell questioned green space and Comprehensive Plan connectivity. Mr. Smith stated there will be bio-swells and a bio-retention pond; and pedestrian connectivity only. He went on to state we usually do not connect commercial property with residential property. He said R-1 setbacks will be required; and it will be reviewed on the merits of the property.

8 August 2016

Council President Burrell opened the Public Hearing at 6:25 p.m.

- 1) Debra Green, 450 Maple Street, addressed the City Council and stated she was not notified of this project until this meeting. She said this is spot zoning and medical is not within the Comprehensive Plan.

No one present opposed the proposed ordinance, the Public Hearing closed at 6:29 p.m. Councilmember Brewer questioned the notice being given. Mr. Smith replied that he found out after the Planning Commission meeting that the Greens did not get notified. He gave credit to Emily Boyett who figured out the tool not working on the County's website. City Attorney Wynne stated the applicant gives the list for notification and certifies it to be complete. Mr. Wynne said he could not give a legal opinion as to whether the City needs a new notice and hearing.

Due to lack of a motion for immediate consideration, this ordinance will layover until the August 22, 2016 City Council meeting.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Brewer introduced in writing an ordinance to Amend Ordinance No. 1279, known as Huntington Subdivision PUD, to be known as Old Battles Village Phase II Planned Unit Development (PUD). The property of Truland Homes, LLC is generally located on the north side of Old Battles Village, Phase I and west of Huntington Woods. 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. He said Phase I has 120 lots; and Phase II is proposed to be 177 lots with amenities. Mr. Smith said the owner/applicant has satisfied all of the conditions as of today. He commented that the proposed amenities will have more than the original; and there will Low Impact Developments ("LIDs"), wetland buffers, and isolated wetlands. Councilmember Mueller questioned if there are other developments using LIDs that picked up more lots. Mr. Smith replied no other developments so far have. Council President Burrell questioned if the common areas, drainage, lakes, and wetlands were considered part of the greenspace. Mr. Smith replied that greenspace is not calculated with common areas, but the wetlands could be used.

Council President Burrell opened the Public Hearing at 6:42 p.m.

- 1) Bonnie Gulsby, on behalf of Bob Gentle and both residents of Old Battles Village Phase I, addressed the City Council and first stated that they were not objecting to the Planning Commission's recommendation. Ms. Gulsby said she lives at 410 Bartlett, and their main concern is access for the new Phase is Garrison Boulevard and the destruction of Phase I roads.

8 August 2016

She said the City will and must maintain the roads; and the entrance has children at play. She said we have a mixed group with seniors and young couples with children. Ms. Gulsby suggested asking the Alabama Power to use their easement and/or right-of-way as the construction entrance. She handed out photos that showed existing damage.

Council President Burrell asked Mayor Kant if we needed to request access from Alabama Power. Mayor Kant replied we may can work with neighbors of adjacent properties; and possibly write a letter for same. Council President Burrell said we do need to address these issues; and the City will have to repair these streets. Mayor Kant said we need to address future issues with our subdivision regulations.

- 2) John Avent with Dewberry-Preble-Rish, addressed the City Council and said Truland Homes is the developer of the subdivision. He said the owner will continue to make this development nice. He said they looked at access and spoke with Alabama Power; and they said we could access across the right-of-way easement, but could not go down the main transmission line. Mr. Avent said we must use public right-of-ways to build out phases.
- 3) Anthony Ghilardi, 586 Musket Avenue, addressed the City Council and said the Planning Commission's recommendation was not a unanimous vote. He said the one who objected was due to the street conditions. Mr. Ghilardi said stones were put at the entrance and those are dangerous. The contractors have knocked down street signs and did not replace. He requested the City Council to reconsider what they are addressing tonight.
- 4) Richard Maxwell, 408 Craftsman, addressed the City Council and commented Garrison Boulevard is a single lane in and single lane out. He said trees line the street with Crepe Myrtles line the center. The safety of children should take precedence. Mr. Maxwell said he was against Phase II and Phase III.

The Public Hearing closed at 7:06 p.m. Councilmember Brewer asked Mr. Avent if property could be purchased for access into the new phases. Mr. Avent replied this property has a landlocked ingress and egress. He said the Alabama Power right-of-way easement is not a good option. Council President Burrell said Mr. Avent brought up a good comparison with Rock Creek which was built from Phase I and then access to other Phases. Mr. Avent commented the narrow streets are to slow down traffic. Councilmember Brewer requested that all options be exhausted by the developer before being brought back to the City Council.

Due to lack of a motion for immediate consideration, this ordinance will layover until the August 22, 2016 City Council meeting.

8 August 2016

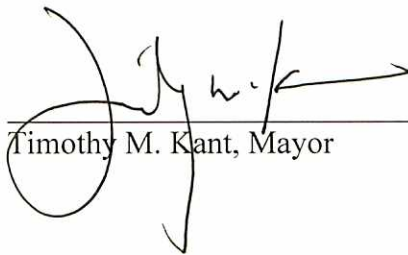
Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution to Purchase Three-Phase Pad Mount Transformers for the Electric Department: 3 each 150 KVA and 2 each 300 KVA; and authorizes procurement based on option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7) to obtain informal quotes. The total cost will be \$33,732.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

RESOLUTION NO. 2572-16

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 Three-Phase Pad Mount Transformers for the Electric Department: 3 each 150 KVA and 2 each 300 KVA; and authorizes procurement without formal bid based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7). The cost will be \$33,732.00.

Adopted on this 8th day of August, 2016



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 accepting the public streets, public right-of-ways, and all of Fairhope's public utilities located in public right-of-ways within Pointe Place, Phase II for maintenance and to authorize Mayor Timothy M. Kant to execute the Maintenance and Guaranty Agreement between the City of Fairhope and Grand Properties, LLC. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

8 August 2016

RESOLUTION NO. 2573-16

WHEREAS, the Owners of Pointe Place, Phase II desire to have all public streets and public right-of-ways dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2560-D, and all Fairhope public utilities located in public right-of-ways accepted for maintenance by the City of Fairhope, Alabama, and;

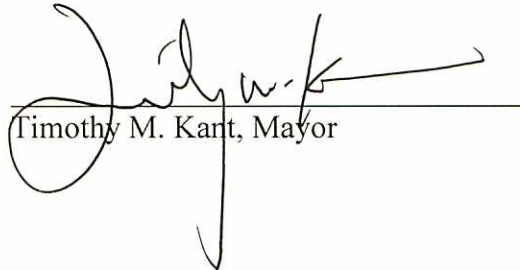
WHEREAS, the City of Fairhope, Alabama, has received notice from the engineers of the project that the design and capacity of the public improvements have been designed in conformance with City requirements, and;

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

WHEREAS, the City of Fairhope, Alabama, has received from the owners of Pointe Place, Phase II, maintenance bonds for the public improvements constructed for a period of 2 years, and;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA that the public improvements indicated herein for Pointe Place, Phase II are hereby accepted for public maintenance subject to the bond posted; and authorizes Mayor Timothy M. Kant to execute the Maintenance and Guaranty Agreement between the City of Fairhope and Grand Properties, LLC (the "Subdivider").

Adopted, this 8th day of August, 2016



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

8 August 2016

Kerry Flowers, Chairman of the Fairhope Education Advisory Committee, addressed the City Council regarding their recommendations; and thanked City Clerk Lisa Hanks for handling this agenda item so quickly with such short notice. He said the recommendation was for the Guided Reading Program. Julie Pierce, Fairhope Elementary School's new principal, explained the need for the program; and said that parents have high expectations for children and teachers. Ms. Pierce said that Professional Development is needed because this is a complicated system that will allow children to excel.

Council President Burrell questioned what this will look like in two years. Ms. Sue Love replied this is a shared vision for all students with a cross curriculum activity; and it is a gradual release process. Ms. Pierce commented kids read at their level not just the child struggling. Councilmember Brewer stated this does go hand in hand with the academic audit; and it was recommended from teachers and principals from K through 12.

Baldwin County School Superintendent Eddie Tyler said this program is in other schools and he does endorse the Guided Reading Program. School Board member Cecil Christenberry also agreed with this endorsement. Councilmember Boone commented this is an excellent process for the money to be spent.

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute the Agreement with the Baldwin County Board of Education regarding the City's donation of \$294,940.51 to the Board for use by the five schools in Fairhope; and used strictly in conformance with the "Approved List" recommended by Fairhope Education Advisory Committee. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

*

*

*

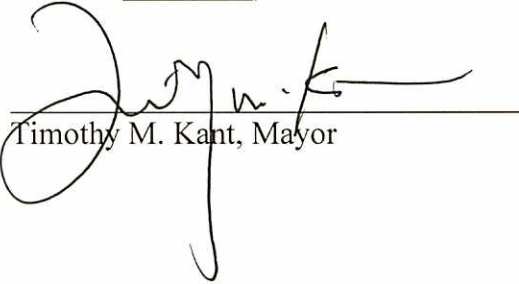
*

*

8 August 2016

RESOLUTION NO. 2574-16

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to execute the Agreement with the Baldwin County Board of Education regarding the City's donation of \$294,940.51 to the Board for use in the following schools: Fairhope Elementary, Fairhope Intermediate, Fairhope Middle, Fairhope High and J. Larry Newton. The donated funds are to be used strictly in conformance with the Fairhope Education Advisory Committee's "Approved List" which is attached to the Agreement as "Addendum A"; and with the Agreement.

ADOPTED ON THIS 8TH DAY OF AUGUST, 2016


Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Mueller moved to grant the request of the Fairhope Arts and Craft Festival Committee and Foundation – Requesting permission to block streets for the Annual Arts and Crafts Festival on March 17, 18, and 19, 2017; “No Parking After 5:00 p.m.” signs be placed on Thursday morning on March 16th; and adequate City personnel to provide for a successful Festival; and request to use the Fairhope Civic Center on Friday evening March 17, 2017. The street request is from March 16, 2017 at 5:00 p.m. through Sunday, March 19, 2017 at 9:00 p.m. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

Councilmember Mueller moved to grant the request and recommendation of the Recreation Board Recommending to rename Stimpson Park to the “Mike Ford Tennis Center at Fairhope Stimpson Park.” The motion was seconded by Councilmember Brewer who explained there is a need for Fairhope to recognize Councilmember Mike Ford for tennis and his longevity on the City Council. Council President Burrell commented he played high school tennis as well as college tennis. After further discussion, motion passed unanimously by voice vote.

*

*

8 August 2016

Councilmember Brewer moved to grant the request of Fairhope First and WABF – Requesting that the fee for use of the City of Fairhope’s Auditorium be waived for a Fairhope Candidate Forum on Thursday, August 18, 2016 from 5:30 p.m. to 7:30 p.m. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

The following individual addressed the City Council during Public Participation for Non-Agenda Items:

1. Erik Cortinas, citizen of Fairhope, addressed the City Council regarding Friday night for a “Hamburger Cookout” at the Fairhope stadium for a meet and greet from 6:00 p.m. to 8:00 p.m.
2. Paul Ripp, 22985 High Ridge Road, addressed the City Council and said local government should be for the people. He brought up the Fly Creek PUD apartments, the Triangle lawsuit, the Callies property lawsuit, the 2012 Municipal elections and a poll watcher. He said we should take extra precautions for this election; and it should be fair for everyone.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 7:41 p.m.



Jack Burrell, Council President



Lisa A. Hanks, MMC
City Clerk