

STATE OF ALABAMA                    )  
  :  
COUNTY OF BALDWIN                )

The City Council, City of Fairhope, met in regular session at 5:30 p.m., Fairhope Municipal Complex Council Chambers, 161 North Section Street, Fairhope, Alabama 36532, on Monday, 9 April 2007.

Present were Council President Robert Gentle, Councilmember; Debbie W. Quinn, Daniel Stankoski, Cecil Christenberry, and Michael A. Ford; Mayor Timothy M. Kant, City Attorney Marion E. Wynne, and City Clerk Geniece W. Johnson. No one was absent.

There being a quorum present, Council President Gentle called the meeting to order. The Pledge of Allegiance was recited, and Geniece W. Johnson, City Clerk, gave the invocation. Councilmember Christenberry moved to approve minutes of the 26 March 2007, regular meeting. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

**Mayor's Comments and Staff Reports:**

- Eddie Boyett, Recreation Director presented a PowerPoint Presentation reviewing the Recreation Department's building projects
  - Barnwell Complex
  - Tennis Center – located at the current Stimpson Field
  - New Outdoor Swimming Pool
  - Future Projects
    - Recreation Center
    - Skate Plaza
  
- Ken Eslava, Assistant Public Works Director presented the following project report:

All listed projects have been updated, effective this morning. If you have any questions regarding project specifics, please give me a call.

NRCS:

- American Legion / Scenic 98.....Complete
- Perdido Avenue / West End.....Complete
- Tatumville Gully Southern Run.....Complete
- Stimpson Avenue.....Complete
- East Pecan.....Complete
- 9 Echo Lane.....Complete
- N. Section @ Pumping Station.....Complete
- Cliff Drive.....Work has approached the 65% completion point. All work will complete by the May 15, 2007 deadline.

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- White Avenue.....Stair design is complete, materials have been purchased for City crews to construct both the stairs and complete the work on the end of the pier. Work will complete by the May 15, 2007 deadline.
- NEW PROJECT.....Gayfer Avenue near Ingleside. HMR has completed the design on the gully repair. Construction work will be completed by the May 15, 2007 deadline.
- Pump Station @ McGowin...Design for the repair is complete...construction will be complete by the May 15, 2007 deadline.
- Highway 31 Gas Line....design is complete. Construction work will complete by the May 15, 2007 deadline.
- Nichols Avenue...design is complete on this damaged drainage structure/outfall line to the bay. Construction work will complete by the May 15, 2007 deadline.
- South Beach Park property....design is complete. Repair work will be performed on the concrete paved ditch/outfall line damaged by Hurricane Katrina. Work will be completed by the May 15, 2007 deadline.
- 112 Echo Lane....this issue is not a threat to either public or private property. I have recommended to HMR that we use remaining NRCS funds in areas of more critical importance.

Remediation of Beasley Property@ Airport:

I examined the ground in the area of the required remediation yesterday. The ground is still slightly too damp to perform heavy construction operations. During our site pre-construction meeting several weeks ago, all parties agreed that around the beginning of May would be a target date to complete this work.

Municipal Pier(finger piers):

Construction on this contract is underway, and I expect completion to occur at the end of April.

Fly Creek Marina Bulkhead:

Work on this new contract began Thursday afternoon, 3/29/07. I expect, weather permitting, that construction will take about 2-3 weeks. Work is progressing well. Contractor has 4 weeks to complete from contract signature date.

ADECA GRANT....FAIRHOPE SOUTH BEACH TRAIL:

HMR has completed the engineering phase of this work, and the project is currently being advertised for public bid. Due to grant requirements that construction work begin within 120 days of grant acceptance, HMR was placed on a very fast track to get their portion complete. An upcoming Council Agenda item will be the approval of HMR's contract for engineering services for this work. If all remains on track, and it will, construction should only take a couple of months to complete.

AIRPORT AUTHORITY

Helipad work is complete. Construction on the new access taxiways and approach aprons is under way. I am assisting the Airport Authority with construction oversight on this project, with particular emphasis being placed on environmental controls.

I'm also having a contractor perform an investigation on why the large hangar doors are not working properly...suspect poor historic maintenance.

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Will also help Chuck Zunk get remediation achieved on deficiencies noted by ALDOT during their certification of the airport.

FAIRHOPE PUBLIC LIBRARY:

The fire damage repairs are complete.

The final change order related to the original construction, in the amount of \$23,004.38, has been placed on the upcoming Council Agenda for approval. The work items on this change order have all been completed to our satisfaction, and have my approval to pay for.

The Faulkner State room construction upstairs should be complete within approximately 3 weeks, according to Gin Taylor of J.F. Pate and Associates. The completion of these rooms will end all new construction at the facility.

DISASTER DEBRIS REMOVAL & DISPOSAL SERVICES BID DOCUMENT:

The package has been out for public bid for a couple of weeks now. The bids are due back in no later than April 19, 2007.

HARBOR BOARD

Tom Yeager has requested that the City construct a cul-de-sac at the West end of Volanta Avenue. Once the construction of the new Fairhope Yacht Club is complete, new security gates will be installed on their property....leaving the public no place to turn around or Park. I will prepare a sketch of my proposed plan for this turn around, which will include public parking and will also improve the current drainage issues with water running down the hill....washing out the right-of-way on Volanta Street near the Bay.

CITY SERVICES MAP

I will have an example map of another municipality for you to review late this week. This map will enable us to designate those City streets which we have maintenance responsibility for, and also designate those streets which Baldwin County Highway Department has maintenance responsibility over.

I will also show you where this new map will enable us to track hurricane cleanup operations, plan disaster management operations & response, assist the Police and Fire Departments and help Solid Waste operations with route planning, etc. We should also consider "layering" this new map, which will give us the capability to delineate sidewalks and other City infrastructure which are both in place....and planned.

RECYCLE BUILDING EXPANSION

Plans are to get pricing for the structure portion of this expansion within the next few weeks. Structural engineering can proceed once the building supplier provides the necessary wind & uplift loads.

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#### FAIRHOPE LANDFILL EXPANSION

An informal public meeting for this project is set for Wednesday, April 11, 2006 at City Hall Council Chambers. Though this is not required by permitting regulations, this meeting will afford us the opportunity to address any opposition of the expansion of our landfill...ahead of the formal public hearing. As well, documents are in the system for the Fairhope Planning and Zoning requirements of this permitting phase, and the project is on the upcoming agenda to be heard....resulting in a favorable recommendation to Council.

#### STREET RESURFACING PROJECTS

An updated list of proposed streets targeted for resurfacing has been sent to the Mayor and yourself. I will meet with the Mayor Wednesday afternoon to prioritize the list and begin the process of acquiring budgetary quotes for his use in preparing the next fiscal budget.

#### IMPLEMENTATION OF BIODIESEL FUEL USE

I met with the recycling Committee yesterday to request their assistance in helping get a used cooking oil recycling program into the system. This program will provide base stock for producing biodiesel. I will also prepare a proposal for the Mayor, providing him with options on how we can implement the use of this fuel into the City fleet.

#### TRAFFIC PAINT STRIPING...CITY STREETS

I am currently developing a list of major traffic arteries which are in need of traffic striping. A list will be submitted to yourself and the Mayor. The Mayor will request assistance from the Baldwin County Highway Department in performing these services for the City.

#### SOUTHLAND SUBDIVISION

I performed a subdivision inspection last week, drafting a list of deficiencies in the infrastructure which needed remediation. Our construction crews are performing concrete repairs in the subdivision today. As well, I am working with Aaron Norris in developing a plan for improving the street lighting in the subdivision.

#### INGLESIDE / ESTELLA DRAINAGE ISSUE

I now have survey elevation shots taken in the area of the drainage concerns. I am developing a plan to remediate this issue.

- Gregg Mims, Planning Department Director addressed the City Council to announce that the City of Fairhope will hold a public meeting to gather input regarding a Greeno Road Improvement Plan on Monday, April 30, 2007 from 6:00 p.m. to 7:30 p.m. in the Council Chambers located at 161 North Section Street, Fairhope, Alabama.
- Mr. Mims also request input from the City Council on the proposed amendments to the Zoning Ordinance regarding density. The current R4 would allow 13 units per acre, and R-5 would allow 15 units per acre. The proposed change is to allow 7 units per acre for R-4 and to allow 10 units per acre for R-5.

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Councilmember Quinn introduced in writing and moved for the adoption of the following resolution; a resolution amending Resolution No. 1333 (Adopted December 11, 2006) – Moratorium on issuance of building permits to any properties abutting U.S. Highway 181 within the City’s corporate limits and its police jurisdiction until the City receives the Access Management Plan requested from the Alabama Department of Transportation. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

**RESOLUTION NO. 1366-07**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF FAIRHOPE, ALABAMA  
TO AMEND RESOLUTION NO. 1333**

WHEREAS, the City Council of the City of Fairhope, Alabama (the “City”) adopted Resolution No. 1333 on December 11, 2006, which, among other things, imposed a moratorium on the issuance of building permits to any properties abutting U.S. Highway 181 within the City’s corporate limits and its police jurisdiction until the City receives the Access Management Plan requested from the Alabama Department of Transportation (the “Moratorium”); and

WHEREAS, the City has determined that several exceptions can be made to the Moratorium without having any impact on traffic on U.S. Highway 181.

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

- Section 1. From and after the date hereof, the issuance of building permits for the following activities shall be exempted from the Moratorium, provided that such activities do not result in or contemplate the addition of any new driveway or road being opened onto U.S. Highway 181:
- (a) any interior renovation activities of a residential structure;
  - (b) any addition to a residential structure where the square footage of the proposed addition does not exceed fifty percent (50%) of the square footage of the existing structure; and
  - (c) any accessory structures built in connection with a residential structure; provided, that such accessory structures shall be limited to garages, carports (with minor, incidental storage areas), pools and other structures that do not contain any habitable living area.
- Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-exemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.
- Section 3. Effectiveness of Resolution. This Resolution shall be effective immediately upon passage.

ADOPTED BY THE CITY COUNCIL AT A  
REGULAR MEETING THEREOF ON THE 9th DAY OF APRIL, 2007.

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

ATTEST:

\_\_\_\_\_  
Geniece W. Johnson, City Clerk

9 April 2007

Council President Gentle recognized Boy Scout Ross Harbinson Mr. Harbinson a member of Troop 47 is working on his Citizenship and Community Badge.

Councilmember Stankoski introduced in writing and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to sign the Municipal Water Pollution Prevention Program (MWPP) Report. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

**RESOLUTION NO. 1367-07**

**MUNICIPAL WATER POLLUTION PREVENTION (MWPP) PROGRAM**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, that 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:

No action was required to be taken by the City of Fairhope

Passed this 9th Day of April, 2007 by an unanimous vote

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

Attest:

\_\_\_\_\_  
Geniece W. Johnson, City Clerk

I, Geniece W. Johnson, City Clerk of the City of Fairhope, Alabama, do hereby certify that this is a true and correct copy of Resolution No. 1367-07 passed and approved by the City Council of the City of Fairhope, Alabama, on the 9th day of April, 2007.

\_\_\_\_\_  
Geniece W. Johnson, City Clerk

\_\_\_\_\_  
Date

9 April 2007

Councilmember Christenberry introduced in writing and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to execute an agreement between the City of Fairhope and Hutchinson Moore and Rauch, LLC to provide engineering, surveying and design services for South Beach Trail. (ADECA Grant – Park south side of Municipal Pier). Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

**RESOLUTION NO. 1368-07**

WHEREAS, The City of Fairhope is desirous of constructing a recreational resources at South end of the Municipal Pier below the bluff area in order to provide for the health and well being of the general public;

WHEREAS, The City of Fairhope has presented an application to the Alabama Department of Economic and Community Affairs for grant assistance to develop a multipurpose trail for walkers, joggers, skaters, bicycles at South end of the Municipal Pier from the Recreational Trails Program; and

WHEREAS, said programs are limited to funding a maximum of eighty percent (80%) of the proposed project costs, which are estimated at \$100,000.00 which will be used to develop the land consisting of a multipurpose trail, that will connect to the Eastern Shore Trail, which will provide a safe and designated area to walk.

NOW THEREFORE BE IT RESOLVED, that the City of Fairhope holds in reserve twenty percent (20%) of the proposed projected cost for the purpose of matching the Recreational Trails Program grant assistance, and

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA that Mayor Kant is hereby authorized to execute an agreement between the City of Fairhope and Hutchinson, Moore & Rauch, LLC to provide Engineering, Surveying, and Design services for the South Beach Trail (ADECA Grant). The being used is south of the Municipal Pier. The compensation to be paid to Hutchinson, Moore & Rauch, LLC for providing the requested services shall be in the amount of \$8,215.00.

DULY ADOPTED THIS 9<sup>th</sup> DAY OF April, 2007.

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

Attest:

\_\_\_\_\_  
Geniece W. Johnson, City Clerk

9 April 2007

Jonathan Smith, City Planner addressed the City Council to explain the Site Plan Review of the new Fairhope Yacht Club Building. The property is generally located on the north side of Volanta Avenue, where Volanta Avenue dead-ends to the West.

**STAFF INTERPRETATION:**

Scott Hutchinson of HMR, LLC is representing the Fairhope Yacht Club in this request. The property is zoned B-3b (Tourist Resort Commercial Service District) and the total site area is approximately 6.14± acres. The proposed building has a total gross floor area of 10,387 square feet. The proposed building height is 30 feet (30') and approximately 1.4 acres (22%) of the site will be landscaped.

**Landscaping:** In the initial review, staff recommended a 5-foot landscape buffer be installed along the western side (Bay side) of the project. The recommendation was made due to the abundance of asphalt within close proximity to the shores of Mobile Bay. A 5-foot landscape buffer with grass and shrubs of a minimum height will help to filter any toxins coming from the site, as well as aesthetically enhance the waterfront view.

**Architecture:** The building architecture is of good design and is in character with the surrounding area.

**The Issues associated with this request are as follows:**

**Landscaping:** A five-foot (5') landscape strip should be installed along the western property line of the project buffering the site from Mobile Bay.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission voted unanimously to approve contingent upon the following condition:

1. A five-foot (5') landscape strip/buffer shall be installed on the western property line of the site.

**CONTINGENCIES:**

On April 03, 2007 the applicant submitted a revised Site Plan indicating the five-foot (5) landscape strip/buffer along the west property line, satisfying the Planning Commission's condition of approval.

Respectfully Submitted for Consideration,

Jonathan I. Smith  
Planner  
City of Fairhope

B. Gregg Mims  
Planning Director  
City of Fairhope

Councilmember Ford moved to approve the Site Plan of the new Fairhope Yacht Club Building. The property is generally located on the north side of Volanta Avenue, where Volanta Avenue dead-ends to the West. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

City Council reviewed an application for a Restaurant Liquor License by Victor C. LeJeune, dba Market By the Bay, located at 365 South Greeno Road, Fairhope, Alabama. Councilmember Quinn moved to approve the issuance of the license. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.



9 April 2007

Don Gordon business owner of Bay Village Stone Custom Surfaces addressed the City Council requesting a building permit to build a storage building behind his existing facility, located at 17985 Highway 181, Fairhope, Alabama. Councilmember Ford moved to grant Mr. Gordon's request. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Debra Green addressed the City Council and reading the following letters:

9 April 2007

April 9, 2007  
Fairhope City Council

**Residents of Maple Street Respectfully Request the Assistance of the Fairhope City Council in the Preservation of a Residential Community**

1. Implement current authority and establish new ordinances, if necessary, in order to utilize Maple Street as an example of how an established residential community can be saved and protected from further commercial encroachment through the creation of a cul-de-sac at Live Oak Ave. and Greeno Road.
2. Meet with all the property owners, Mr. Stankoski and the Traffic Committee, a second City Council Member, preferably, Mr. Gentle, The Planning Department, and any other departments necessary to meet all specifications towards achieving this goal.
3. Appoint a specific liaison with whom residents shall communicate.

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Fairhope is an extremely desirable community as evidenced by the mushrooming growth in population, subdivisions and industry. Throughout this growth explosion, we have heard the expression “We’re not in Kansas anymore”. However, perhaps Kansas could actually be used as an example to follow, in that there are municipalities there, in the New England States, and throughout the rest of the nation, which actually have constitutionally adopted strict growth regulation policies in order to preserve the desirable qualities which have made them unique.

One of Fairhope’s most endearing qualities is its quaint established residential neighborhoods. Sadly, unique areas, such as the “fruit and nut” section, have experienced the demolition of many charming cottages and smaller homes only to witness their mega mansion replacements. New and established homeowners in other quiet, older residential areas have found themselves faced with the devastating domino effects of rezoning.

Prime examples of neighborhoods experiencing these effects are Westley Street, Gayfer Avenue and Maple Street, all quiet, older, established residential communities severely impacted by the recent rezoning and development of a medical park on the Southwest corner of Gayfer Avenue and Greeno Road.

With regard to Maple Street, over the past 40 years, the character of the area has changed very little. The community consists of approximately 14 lots, inclusive of a 7 lot subdivision, 10 property owners and 4 established residences. With one exception, every homeowner has plans to spend the remainder of their life in this neighborhood. Several residents have spent their entire lives on this street. Two lots have recently been deeded to young families with children. They are currently making plans to build and spend the rest of their lives in this community as well.

The north end of Maple Street joins Live Oak, and opens to Greeno Road. Live Oak used to be simply a dirt lane. As a convenience to the property owners, approximately 40 years ago, the Green and Stejskal families paid the City of Fairhope to have the lane opened and paved. This road has no frontage or physical addresses. There is an enormous drainage ditch on its north side, established by the State of Alabama during the widening of Greeno Road.

Traffic is escalating, bearing no relation to its neighborhood character, in that the street is increasingly being used as a high speed cut – through to avoid the Gayfer/Greeno traffic light. Vehicles use private drives as public roads and turn abouts. The Gayfer ingress/egress of the approved medical development, when completed, will only further increase traffic and noise, not to mention commercial traffic involved in construction of the facility.

The majority of the residents of Maple Street strongly desire to maintain our residential status, without the fear of further commercial infringement or environmental damage. The Planning Department and Councilman Gentle have verbally assured our community the City's current Comprehensive Plan does not allow for any future development north of Gayfer Avenue. However, this provides little or no comfort, as many residents consider the Village plan as an unfair justification for commercial encroachment and a tool for sprawling development. Further, in the past, rumors existed regarding a proposed Wal-Mart in or near the City; with extensive reassurance from our City leaders it would not be constructed. In addition, rumors currently exist relative to the possible development of the entire Auburn Substation acreage, located on Greeno Road, North of Gayfer Avenue. Needless to say, our comfort level is extremely low.

Jennifer Fidler has advised there currently exists a special 20' green space buffer along Greeno Road. Given the decreased depth of the property between Greeno Road and Maple Street, any change in zoning status would cause Maple Street to become a service road to a commercial strip, thereby destroying another residential community

This presents a golden opportunity for our City leaders to assist in alleviating fears and concerns relative to our future, as Maple Street can be utilized as an example of how an established residential community can be saved and protected from further commercial infringement through the design of a cul-de-sac at Live Oak Ave. and Greeno Road. The majority of the residents agree this is the only way to guarantee our preservation.

We understand the City of Fairhope is working diligently towards keeping Greeno Road from becoming any type of "strip" development and much admiration and appreciation must be given towards this endeavor. The creation of a cul-de-sac could become an extremely attractive small green space and assist in preserving the pleasing aesthetics along Greeno Road. This would also offer a respite for those using the Larry and Ann McDuff trail, as has been done in several places along the Montrose portion within the Fairhope city limits.

Some would argue the Green family currently owns a business on Greeno Road. This agricultural business has been in operation since 1932, is the oldest existing business in Fairhope, is well landscaped, and is situated on property zoned R-1. Only a change of the zoning status of adjacent properties would force that family to request the same.

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Request for Preservation of Residential Community – Maple Street  
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Further, the mindset of “commercialization along a busy highway” must be changed. Using Colonial Acres and Ingleside Terrace as examples, there are ways to protect and design quite desirable residential neighborhoods along Greeno Road. This could very well be achieved along Maple Street. It requires a different thought process and proper planning, but can effectively be done.

With similar concerns regarding her own neighborhood, upon the verbal recommendation of Councilmember Debbie Quinn, Mr. Paul Nix and I, Debra Green, recently discussed this issue with members of the Planning Department. Upon the recommendation from the City Council, they have agreed to work with us.


Please keep in mind; ***we are not requesting the city close a road.*** As stated, we are requesting the City Council implement current authority and establish new ordinances, if necessary, in order to utilize Maple Street as an example of how an established residential community can be saved and protected from further commercial encroachment through the creation of a cul-de-sac at Live Oak Ave. and Greeno Road.

We look forward to meeting with all the property owners, Mr. Stankoski and the Traffic Committee, a second City Council Member, preferably, Mr. Gentle, The Planning Department, and any other departments necessary to meet all specifications towards achieving this goal. We also desire the City appoint a specific liaison with whom residents are to communicate and further request this appeal be made part of the official minutes of this meeting.

In closing, we again offer this opportunity to set our city apart as one of the most desirable areas in the country. Novel opportunities often come only once, and if overlooked, may be gone forever. As we strive to keep Fairhope’s neighborhoods intact, we can reach this goal of retaining the attractive flavor and characteristics that make Fairhope famous for its distinction.

We thank the City Council for taking this opportunity to help protect our neighborhood and look forward to working together towards this goal in a timely manner.

Respectfully,



Debra Green  
Community Representative – Maple Street

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Request for Preservation of Residential Community – Maple Street  
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Debra Green  
415 Maple Street  
Fairhope, AL 36532  
251/928-9409

Debra Green	Ron Ross	Lillian Green	Paul Nix
Robert M. Green, Jr.	Sarrel Labenski	Kerry Isherwood	Natalie Green

(All names, addresses and signatures to be provided and attached to this document)

9 April 2007

Mrs. Green's second item:

April 9, 2007  
Fairhope City Council  
RE: Maple Street/Live Oak Avenue/Surrounding Affected Areas  
Request for additional studies

Members of the Fairhope City Council:

During the public hearings regarding the approval of the proposed development at the corners of Gayfer Avenue and Greeno Road, specifically, Bones & Babies, LLC, Gayfer/Greeno Medical Park, scores of voices expressed concerns relative to current traffic, drainage and environmental issues. Residents are of the opinion these issues have not been addressed, as we have been advised to rely on the findings of the paid, licensed, insured project engineers.

Current problems and future possible devastating environmental issues must be immediately addressed and corrective and preventative measures implemented prior to any development within the Volanta Watershed Area, particularly the areas including Maple Street, Gayfer Avenue, Evergreen and Lillian Circle.

Therefore, residents of this community herby request, at our choosing, the City provides both the following:

1. Hiring of an independent Environmental and Hydrological Engineer
2. Hiring a second Traffic Engineer

In addition, residents request the status of the community meeting to address our concerns as promised during the March 14, 2007 City Council meeting, along with the appointment of a liaison with whom we are to communicate.

We thank you for your consideration and would hope to receive your response during the next scheduled City Council meeting. In addition, we further request this be made part of the official minutes of this meeting and the appointment of a specific liaison with whom all residents of our community can communicate.

Sincerely,



Debra Green  
Representative Residents of Volanta Watershed Area  
415 Maple Street  
Fairhope, AL 36532  
251-928-9409

(Names, addresses, signatures to be provided)

9 April 2007

Mrs. Green requested that Mr. Perkins' letter from the September 11, 2006 regular City Council meeting be reintroduced into the minutes:

09-05-06A11:36 RCVD AW

September 6, 2006

To: City of Fairhope, City Council Members  
From: Michael R. Perkins  
Subject: Alabama Open Meeting Law;  
Adoption of additional regulations/ ordinances for the City of Fairhope

It is requested that the Alabama Open Meeting Law, as it applies to the City of Fairhope, be placed on the agenda for the next regularly scheduled City Council meeting. As a result of attending a recent public hearing before the City of Fairhope Planning and Zoning Commission, I am concerned that the way the City of Fairhope is conducting business may not be in the best interest of the public. It is my understanding that the municipality is handling its dealings in accordance with the Alabama Open Meeting Law, but it could better serve the citizens of our wonderful city if additional guidelines and/or restrictions were adopted, as may be the case in other localities.

The City of Fairhope presently allows builders, developers, landowners, etc. to meet privately with P&Z and City Council members when less than a quorum is present. This practice allows P&Z and Council members to be lobbied for unlimited amounts of time outside of public scrutiny and input. The council representative may have many questions and objections which are answered at these private meetings, but the public is not privy to this discussion. If it was being done at a public forum, it may very well raise questions and objections from those citizens in attendance. The procedures currently permitted may very well convince our elected or appointed officials as to their decision on important public matters; if not, even the perception that this has occurred is certainly damaging to the public trust.

It is incumbent on our elected officials to ensure that the public's business is always conducted in an open, visible forum. This discussion should encourage the input of a citizenry who are engaged in the important issues facing those making the decisions for our town. It is often easier to follow procedures that expedite the process, but we must be careful not to diminish the rights of the public to be fully informed; not to be placed at a disadvantage during deliberation. I am suggesting that you allow the public and our city officials to hear all the information on any given issue at the same time. By doing this, everyone will hear the questions, answers and objections so that they may truly be part of the consideration given to issues at hand.

More specifically, I am requesting that the City Council adopt a regulation and/or ordinance that would prohibit special interest groups (builders, developers, landowners, etc.) from meetings with any/all elected or appointed officials outside of the public meeting process to discuss any issues which may come before said officials. Excluded from this ordinance would be members of the City Planning and Building Departments.



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I truly appreciate the hard work and dedication of our City of Fairhope City Council, and look forward to discussing this issue with you.

Sincerely,



Michael R. Perkins  
145 Willow Lake Dr.  
Fairhope, Al 36532

990-8177

Council President Gentle outlined Mrs. Green's requests:

1. The City Attorney, Marion E. Wynne will look into the recommendations with regards to the Open Meeting Law, communicate with Mrs. Green and report back to the City Council before Council action is taken.

2. Councilmember Stankoski, Chairperson of the Traffic Committee will conduct a one week traffic study on Live Oak and Maple Street, and report back to the City Council.
3. How does a residential community mesh with commercial developments? Gregg Mims will research all the city ordinances on the books to date that allow the meshing of residential communities with commercial development.

Mr. Mims stated that the Planning and Zoning meeting scheduled for May 7<sup>th</sup> would address some of Mrs. Greens concerns. The only outstanding item regards to Bones and Babies is the wall.

Mrs. Green stated that her main objective is with traffic, and the only way to maintain Maple Street's residential status is to turn Live Oak into a cul-de-sac.

9 April 2007

Councilmember Stankoski inquired about how many homes are on Maple Street. Mrs. Green stated there are 10 property owners and 4 houses. Maples Street is an undeveloped residential area.

Council President Gentle reiterated that once the information is received on the wall for Bones and Babies there would be a community meeting held at the James P. Nix Center. Nothing can be changed regarding Bones and Babies this is an already approved project.

Councilmember Christenberry Quinn moved to reschedule the next Regular Council meeting to Thursday, April 26, 2007 from Monday, April 23<sup>rd</sup> due to Alabama League of Municipalities Conference. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Christenberry moved to grant Change Order # order #9 by J. F. Pate & Associates Contractors, Inc. at the new Fairhope Library, Fairhope, Alabama, for various items increasing the contract by \$23,004.38. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

9 April 2007

**TABULATION & RECOMENDATION**

Identification: **"GOLF COURSE FAIRWAY MOWER"**

Bids will be opened on: **Feb. 16, 2007**

at: **10:00 a.m.**

VENDOR-	MANUFACTURER:	PRICE:	DELIVERY:
BEARD EQUIPMENT CO. Mobile, AL	John Deere, Yr: 2007 #3235C	\$34,825.00	10-25 Days
KILPATRICK TURF & COMMERCIAL EQUIPMENT Montgomery, AL	Jacobsen, Yr: 2007 LF3800 2WD	\$39,601.36	15-Days
ALTERNATE BID: KILPATRICK TURF & COMMERCIAL EQUIPMENT Montgomery, AL	SPECIFICATIONS NOT MET Jacobsen, Yr: 2007 LF3407 2WD	\$37,365.51	15-Days
JERRY PATE TURF Pensacola, FL	SPECIFICATIONS NOT MET Toro, Yr: 2007 #RM5510	\$36,590.00	30-Days
BALDWIN TRACTOR & EQUIPMENT Robertsdale, AL	NO RESPONSE		
DUTCHMAN'S LAWN Foley, AL	NO RESPONSE		
FOLEY IMPLEMENT CO. Foley, AL	NO RESPONSE		

*It is recommended to accept the low bid of **BEARD EQUIPMENT CO, Mobile, AL.** All specifications have been met.*  
*Harold Childres, Wayne Smith,*  
*Quail Creek Golf Course Course Purchasing Agent*

**JERRY PATE. Pensacola. FL**

*The following specifications were not met:*

- *Tires called for 20 x 10 - 8. Vendor offered 20 x 12 - 10.*
- *Brakes called for Disc Type. Vendor offered Dynamic Braking Traction System.*

**ALTERNATE BID**

**KILPATRICK TURF. Montgomery. AL**

*The following specification was not met:*

- *Engine called for 35.5 - 41 h.p.. Vendor offered 31 h.p.*

**9 April 2007**

Councilmember Stankoski moved to accept the low bid of Beard Equipment Co, Mobile, Alabama, provided all specification are met, for Golf Department – Fairway Mower. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote. This purchase will be funded by the Golf Operating Fund.

Councilmember Christenberry moved to pay bills as presented. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

There being no further business to come before the City Council the meeting was duly adjourned at 6:47 p.m.

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Robert C. Gentle, Council President

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Geniece W. Johnson, City Clerk

