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 Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Monday, December 10, 2007.

Present were Council President Robert C. Gentle, Councilmembers: Debbie W. Quinn, Daniel Stankoski, Cecil Christenberry, and Michael A. Ford, and Assistant City Clerk Lisa A. Hanks. Mayor Timothy M. Kant, City Attorney Marion E. Wynne, and City Clerk Geniece W. Johnson were absent.

There being a quorum present, Council President Gentle called the meeting to order. The Pledge of Allegiance was recited, and Associate Pastor Jeff Ingram, of First Baptist Church, gave the invocation. Councilmember Christenberry moved to approve minutes of the November 26, 2007, regular meeting. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Mayor's Comments and Staff Reports:

 Gregg Mims, Planning Director, addressed the City Council and gave a report on Connectivity. Per the request of the City Council in conjunction with the guidance from Mayor Timothy M. Kant the following individuals have agreed to serve on the committee to review the "connectivity issue."

# Connectivity Committee:

Clyde Panneton Mike Ford
Gary Moore Tim Kant
Pat Achee Gregg Mims
Fran Faust Slade Debbie Quinn

The Connectivity Committee will hold its first meeting the middle of January 2008. The committee will forward a report to the City Council on or before April 7, 2008. The Planning Staff will serve as the staff for this committee. In addition the committee may call on M. Glenn LeRoy for input and guidance.

The committee will review the Comprehensive Plan and connectivity. The basis for connectivity was the Comprehensive Plan.

• Debbie Quinn mentioned that she wanted the Recreation Department to come in January, preferably the first meeting in January, to discuss the Skate Park.

Martin Lanaux announced that the Library Board decided to appoint Ilse Krick as the new Library Director. Ms. Krick was the Assistant Library Directory and has been the interim Director since the retirement of Betty Suddeth. Ms. Krick said Fairhope is a vibrant and unique place to work, and she could not ask for a better place to work than the Fairhope Public Library.

Councilmember Quinn moved to address item 7 next. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Mike Perkins, 145 Willow Lake Drive, Fairhope, Alabama, addressed the City Council and discussed the possibility of a FEMA Flood Mapping Ordinance. Mr. Perkins suggested that if the City of Fairhope decided to perform a study, a separate engineering firm should be used. He mentioned that approximately 200 feet north of the Woodlands' detention pond white sand was found. He concluded that water had been high enough to reach that area and leave the white sand. Mr. Perkins discussed the major parts of the following letter which was sent to the City Council prior to this meeting:

12-05-07A09:26 RCVD

ZH

Mike Perkins 145 Willow Lake Drive Fairhope, AL 36532 December 4, 2007

Fairhope City Council Fairhope, AL 36532

Dear Council Members:

SUBJECT: FEMA Flood Mapping Ordinance

During public meetings concerning the approval of the Fly Creek PIID, I raised the question as to whether the property in question was within a flood zone. This question was taked at the Planning and Zoning Beard and City Council meetings. On all occasions, the property owners and/or engineering firm (Volkert and Associates) immediately answered that the property was not in a flood zone. This answer obviously satisfied the Fairhope governing bodies and the Fly Creek PUD was approved.

After the city of Fairhope City Council approved the Fly Creek PUD, I learned that the Fly Creek PUD property, which lies adjacent to the east side of Hwy 98 and both the north and south sides of Fly Creek has never been required to be studied and designated by FEMA on any flood map. In other words, the answer that it is not in a FEMA flood zone was only partially correct and extremely deceitful.

On December 3, 2007, I attended the Planning and Zoning Board meeting. When the Fly Creek PUD agenda item came before the Board to approve the commercial phase construction site plan, I raised the same question: "Is the property in a flood zone, and has it been mapped by FEMA?" I was told that this agenda item was not open for public comment or questions. I pressed the issue and repeated the question and was then answered by Volkert and Associates that it was not in a flood zone. I again asked if the property had been mapped by FEMA. The answer given was that it was not required. My concern was pushed aside as the Planning and Zoning Board voted to approve the ske plan.

The fact that no Planning and Zening Board members, including the President of the City Council, seemed to grasp or care about this issue that I have repeatedly raised, simply astorads me. The gravity of the point that I was trying to make seems so obvious, and the possible implications and ramifications so potentially harmful to the Fly Creek ecosystem and downstream property owners that I am perplexed and angered about how this issue is not being addressed by the City of Paintope. It should be obvious to all that the approval to move forward with a construction project that is adjacent to any body of water or area of potential flooding has to be carefully studied and flood zone mapping mandatory. The detention pond in this First phase will be outside the wedand delineation, but will it also be outside and above the flood zone? We do not know! It has never been mapped and submitted to FEMA. Will future roads, bridges and dwellings be

City of Fairkope December 4, 2007 Page 2

built in a flood zone? We do not know! It has never been mapped and submitted to FFMA!

I have learned by attending Planning and Zoning Board and City Council meetings to listen carefully, very carefully, to what land owners, developers, and engineers say. It is not always what they say, but what they don't say or "half-say", that can truly have significant implications. If the detention pond approved in the First phase of the Fly Creek PUD is built at a location below the flood zone, it will be rendered useless during major rain and flooding events. This would mean Fly Creek would reach a level above the detention pond resulting in possible significant increased flows and flooding downstream of this site. In addition, the longer Fly creek stays at an elevated storm runoff level, the more bank arosion and sediment runoff will occur.

As of this morning, December 4, 2007, I was told by the City of Feirhope Planning Department, that they had just talked to Volkert and Associates and engineering studies will now be done. This is good news, but not good enough! Will this be sufficient? Will it be as thorough as FEMA requires for official flood zone delineation? I have been told that this has not been required to be done due to the expense involved. If this is the case, I would submit the costs to the city and private property owners in the future, as well as safety and environmental issues render this excuse mute.

I respectfully request that the Faithope City Council pass a "FEMA Flood Map Ordinance" that requires any development that lies adjacent to any body of water or has the potential to cause a flooding problem in any area to comply with all FEMA requirements and be formally designated on FEMA Flood Zone maps. This should be made retroactive to apply to any project which has not already broken ground. It is further requested that this be place as an agenda item at the next City Council meeting.

Sincerely,

Mike Perkins

Gregg Mims, Planning Director, said "I am not an engineer, but a planner." He mentioned the Planning Department had looked at the elevations. The lift station, its elevation is approximately 23.15 feet, did not flood in Hurricane Danny. The Fly Creek PUD's elevation is approximately 36 feet. Every project is reviewed by a second engineering firm. The results from the Fly Creek PUD's second opinion were minor changes. If we were to get a full blow FEMA map for the Fly Creek PUD, it would cost approximately \$100,000.00. The latest version of the FEMA map that we use is dated July 2007.

Council President Gentle stated that we need to answer Mr. Perkins' questions adequately, whether it is a fox in a hen house or not. We need to look at the overflow issue. Council President Gentle stated that when the Fly Creek PUD came to the City Council for approval, the big problem was buffer zones. Council President Gentle asked, "Didn't we look for an upstream study?" Mr. Mims replied yes we did.

Councilmember Ford asked what the elevation of the highway was, but no one knew.

Councilmember Quinn asked what does the County look at when adopting their regulations. Mr. Mims replied they use the same July 2007 map that we use. He also stated that the City has new subdivision regulations, impact fees, and gets a second opinion on all projects. If we do a flood mapping study and send it to FEMA to update, it could take over two years for a response.

Gregg Mims provided the following Volkert & Associates, Inc. letter to the City Council:





www.volkerc.com

316 Smith McKenzle Street Foley, AL 36555 251,9687551 Fax 251,968,2318 foley@volkert.com

December 5, 2007

Contract No.: 770902.50

City of Fairhope Gregg Mims Planning Department Director 161 North Section Street Fairhope, AL 36533

Subject:

Fairhope Village at Fly Creek Site Plan (SR 07-11) Flood Plain Map Review

Dear Gregg:

Volkert has completed a review of the available FEMA Flood Insurance Rate Maps dated July 17, 2007 and has determined that the area planned for development as the Shoppes of Fairhope Village does not lie within a designated floodplain area. I have attached a copy of the map for your files with the proposed development area highlighted.

Should you require additional information or have questions regarding the information stated of provided, please feel free to contact me at 251-971-3107 or 251-978-7497.

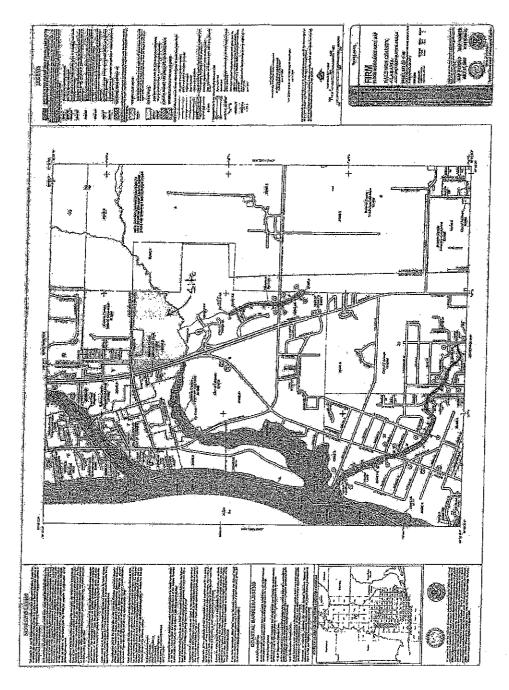
Sincerely,

VOLKERT & ASSOCIATES, INC.

Project Manager

physojecis/170901 - regency fly creekengeconsuporalesses/12-05-07 grains limbe

Office Locations: -Birminghan, Foley, Mobile, Alabama • Geinesvillé, Grando, Pensacola, Tampa, Floridé • Milama, Georgia • Collinsville; illinois Baton Rouge, Louisiana • Tupelo, Mississiphi • Raleigh, North Carolina • Chatranpoya, Territeisse • Alexantina, Wighdia • Plashington, Dr.S.



Councilmember Christenberry introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to execute Addendum #1 of Task Agreement No. 2 (663102.50), between the City of Fairhope and Volkert and Associates, Inc., for right turn lane and signal pedestrian improvements construction plans. The total cost of Addendum #1 of Task Agreement No. 2 shall be approximately \$43,500.00 and to be funded by grant. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

## **RESOLUTION NO. <u>1436-07</u>**

WHEREAS, the City of Fairhope entered into an agreement with Volkert & Associates (Task Agreement No. 2) to develop construction plans for pedestrian friendly improvements to Greeno Road, Hwy 98, from Highway 104 South to County Road 44 (approximately 3.0 miles) on July 9, 2007, Resolution No. 1391-07; and,

WHEREAS, the total cost of Task Agreement No. 2 shall be approximately \$41,308.00.00 for Engineering Design fee and \$27,172.00 for Construction Observation fee; and,

WHEREAS, due to unanticipated additional services needed, has caused the general scope of Task Agreement No. 2 to change. Addendum #1 involves the following additional services:

- Adding a right turn lane from westbound Fairhope Avenue to Northbound Greeno Road and closing the first entrance to the shopping center near Ruby Tuesday's Restaurant. Modifications to the existing signal include loop addition and some timing changes. Fee base on approximately 400 feet of lane and taper
- Performing a signal warrant analysis at the intersection of Greeno Road and Volanta Avenue.
- Design a signalized intersection at the intersection of Greeno Road and Volanta Avenue.
- Miscellaneous modifications to the current plan including median additions, deletions, and re-design of tapers

Addendum #1 will increase Task Agreement No. 2 by approximately \$43,500.00 in accordance with the following schedule:

Engineering Services \$29,500.00 Survey \$5,500.00 Construction Observation \$8,500.00

# BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE,

ALABAMA, that Mayor Timothy M. Kant, is hereby authorized to execute Addendum #1 of Task Agreement No. 2 (663102.50), between the City of Fairhope and Volkert and Associates, Inc., for right turn lane and signal pedestrian improvements construction plans. The total cost of Addendum #1 to Task Agreement No. 2 shall be approximately \$43,500.00.

Adopted this 10th Day of December, 2007.

Kant,/Mayor

Attest: /

Geniece W. Johnson Lity Clerk

Gregg Mims, City Planner, addressed the City Council to explain the Site Plan Review of property owned by Jade Consulting, LLC located on the east side of Greeno Road, just south of Gayfer Avenue, Fairhope, Alabama for a proposed office building (Jade Professional Office Building).

## **STAFF INTERPRETATION:**

Trey Jinright of Jade Consulting, LLC is the authorized agent in this request. The property zoned PUD (Planned Unit Development) and is part of the Greeno Professional Village approved April 8, 2002. The total site area for the development is approximately 36,905± square feet (0.847 acres).

The proposed building has a footprint of approximately 5,000 square feet; total proposed gross floor area is approximately 9,999 square feet. The proposed building height is approximately thirty-four feet, four inches (34' – 4"). Impervious site coverage totals at approximately 20,803 square feet excluding the existing road through the site. Forty-one (41) parking spaces are provided, two spaces of which will be constructed of pervious materials in order to maximize tree preservation.

The subject property is bordered to the north and south by PUD zoned property, to the west by PUD and R-1 (Low Density Single Family Residential) property, and west there is R-1 property.

The project is in compliance with the originally approved PUD Ordinance for the Greeno Professional Village.

## PLANNING COMMISSION RECOMMENDATION:

On November 5, 2007 the Planning Commission unanimously voted to recommend approval of the Jade Professional Office Building Site Plan.

Respectfully Submitted for Consideration,

Jonathan I. Smith

Planner

City of Fairhope

B. Gregg Mims

Planning Director

City of Fairhope

City of Fairhope

Trey Jinright showed a picture of the site plan and construction to be built around the tree, in order to preserve the tree. Council President Gentle asked Jennifer Fidler, City Horticulturist, if she was happy with the landscaping. Ms. Fidler replied that she was happy as long as there is 20 percent green space in Mr. Jinright's plans. Gregg Mims assured Ms. Fidler that there was 20 percent green space.

#### 10 December 2007

After further discussion, Councilmember Christenberry moved to approve the Site Plan property owned by Jade Consulting, LLC listed above. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Quinn addressed the City Council and discussed the Downtown Parking issue. She mentioned the City will be losing 80 plus parking spaces until the parking garage is built. Jennifer Fidler, Ken Eslava, and I looked at areas around town for available spaces. The following are suggested areas in downtown Fairhope which can be improved to increase the number of available parking places:

•	Pine Street	
•	Church Street between Morphy and Fels	[net gain = 17 spaces]
•	Church Street between Morphy and St. James Ave	[net gain = 11 spaces]
•	Church Street from Fairhope Ave to Magnolia	[net gain = $17$ spaces]
•	Magnolia Avenue (Property North of Library)	[net gain = 19 spaces]
•	Summit Street between St. James and Fairhope Ave	[net gain = 45 spaces]
	37 1 10 7	[ 10 amagaa]

[net gain = 10 spaces] Summit Street between Morphy and St. James [net gain = 42 spaces]• Johnson Avenue between Section St and S. Bancroft [net gain = 7 spaces] Church Street between St. James and De La Mare Ave

Church Street between Fairhope Ave and De La Mare Ave [net gain = 7 spaces][net gain = 5 spaces] Magnolia Avenue between Section St and Church St

This is a total net gain of approximately 180 parking spaces. On Pine Street we would use timbers, behind the Library we would have pervious parking like small rocks, on Summit Street between St. James and Fairhope we would use timbers, and all other streets we would turn parallel spaces into angled spaces.

Council President Gentle suggested the City Council hold over the recommendations and vote on later. He asked Councilmember Quinn to prioritize the parking suggestions and bring back to the City Council. This will give the City Council time to look over the sketches and recommendations.

Councilmember Ford asked how many spaces will be picked up with the parking garage. Councilmember Quinn replied approximately 80 spaces. Councilmember Ford said he feels like we are closing the City in with all the additional parking. We really need to look at the suggestions and priority of the City.

Hop Allen stated that the delivery men are troubled by parking in the middle of the streets to unload merchandise. They are afraid of being fined and are getting tired of the comments from other drivers. The delivery men told the downtown merchants if we have to park at the end of the street, you will have to come get your merchandise and take it back to your stores.

CITY OF EARHOPE - RECYCLING RECAP - 2007

Councilmember Ford asked Jennifer Fidler, Public Works Director, to present the Recycling Update report. Ms. Fidler addressed the City Council and briefly went over the following report:

CITY OF BAIRHOPE - RECYCIING RECAP - 2007	Ollecthings Kont Just   October DX   Local Received   Four Received   Four Received River   Dignisher Served (2007) @	er & 1,196 \$70,633 \$53,913 \$71, paper	18	383 \$2,900 897	585   50   \$10.848   \$13.270   \$1,508	1009 286 \$6.85 \$875 \$6 Amber \$2,834	15.5	=	\$5.00/tire big	887,749 N/A 855,692	** A mest valent for Uniformly Statiogy contrastly market of a forther. It Manual Tong, which includes managene, office pages, just mail; glossy magesticus, created boxes, residential cardboard, etc. and 2.  Commercial Cardboard. Froze fluctuation anothly. Cardboard results which the surple of short three he surpored of "Tong the surple of the surple of the surple of "Tong the surple of the	White Goods / Other Script Media - And March - And March of Script on a state of the Control of Control of the	Plastic—The market for plastic (a petroleum-based product) has remained a post of the confined by the confined high products. Faithops is now also to co-mingle all plastic fluids are falled and soid register. Which means (regard, butter totals are not currently screpted. However, the city recycles garden parts and utility concluit on a drop off only tasts. Faithops injus out a tast of plastics on average every 2 meeting.	Gleas - Fairbope is responding gleas bottles from residents and local restourants. Cleas is a low paying commodity and native opportunities continue to be challenging. Clear pays marginally before than the other two at \$10 from Proper in Companies becomes for showing the clear pays marginally before than the other two at \$10 from Proper in Companies becomes for showing the count of the count	yearly, Chy is copylaring internal and the control of the control	O Metronic Waste - City recovered and recycled mars that 9 mas of E-waste (mostly camputer particularies). E-waste is currently recycled through Creative Recycling out of South Maride. Radio Shark is a yearly sponsor of Startonio Recycling in Futions through the second recovering community and the second recovering community or most electronics but there is a chose to the City for the second recovering the second recovering community or most electronics and the second recovering	Number (computer reports) and the state of t	The state of the s	Three - City of wantons accepts thes for recycling at \$2 per the city accycles the tire (at a cost) into the! Shipping chapted are covered by our tire resoluting. The Lib 2007, the city received and recycled over 500 three, paying \$500 to recycling of three, which help to off set the rest increased for recycling. "Total Received" includes Walkington's charce for	We find the set the form residents.
	Markeidde (1) Markeidde (1) Teilde (2)	Mixed Paper & I	1	White Goods/Metal		Glass	Hazardous Waste	Tires	TOTAL			* White Goods / Other St month by Anto Shred. T		Glass - Fairhope is recyc and a brown / green mix.	yearly, City is exploring  Paractors Waste – Feinnobe off, pestioides, etc., been processed for recwri	Slectronic West		Fairhope school	Three - City of transpipe accepts to \$840 for recycling. Mondes were re	recycling tires less the fees received

Councilmember Ford mentioned that a few years back the City Council passed a resolution that stated whatever the increase for recycling, based on the prior year, would go to improving parks. He mentioned a park where many children play that needed bathroom facilities. Councilmember Quinn stated the park near Myrtle needs improvements.

Council President Gentle stated that these improvements need to be an incentive of what your money is buying. Nancy Wilson, City Treasurer, said we are still paying on the equipment purchased enabling the recycling program. Council President Gentle said the City Council needs to look at the resolution passed and go from there.

Councilmember Quinn moved to grant the request of Eastern Shore Art Center requesting permission to block streets for their Annual Outdoor Art Show, March 14-16, 2008. The Eastern Shore Art Center must coordinate with the Police Department, Sherry Sullivan and the Downtown Committee. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Quinn moved to grant the request of Dan Ames, Purchasing Manager, requesting permission for the Purchasing Department to register the City of Fairhope with the U.S. Communities Government Purchasing Alliance following the State of Alabama approved guidelines. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Council President Gentle referred the request of Glen Rogers, President of Hollowbrook Property Owners Association, Fairhope, Alabama, requesting speed bumps to be installed on Hollowbrook Avenue to the Street Committee to study and report back to the City Council. Councilmember Stankoski is the Chairperson of the Street Committee.

#### TABULATION / RECOMMENDATION

Identification: "i5 SERVER FOR COMPUTER SYSTEM UPGRADE"

Bid No.: <u>005-07</u> Bids to be opened: <u>November 27, 2007</u> at: <u>10:00 AM</u>

For: IT Department

VENDOR:	COMPLY YES /NO	PRICE:
Source Data Products	No	\$34781.00
ETA Data Direct, Inc.		No response
Mini-Max Information Systems, Inc.		No response
IBM	<del>// / / / / / / / / / / / / / / / / / /</del>	No response
Computer Marketing of America, Inc.		No response
BCI		No response
Robinson Consulting Group, Inc.		No response
Precision Computer Services		No response
Integrated Solutions, Inc.		No response
Net-Tek Solutions		No response
Catalyst Business Solutions		No response
OSI-Open Systems International		No response
Technology America		No response
Business Information Solutions		No response
PC Mall, Inc.		No response

Randy Holloway
IT Consultant

It is recommended to accept the bid from Source Data Products.

James Gillespie Daniel P. Ames
Administrative Superintendent Purchasing Manager

It is recommended to accept the bid from Source Data Products. The specification

Councilmember Christenberry moved to accept the low bid of Source Data Products provided all specifications are met, for the i5 server for computer system upgrade for the City computer system in the amount of \$34,781.00. Seconded by Councilmember Ford, motion passed unanimously by voice vote. This purchase will be funded by the Operating funds.

## **TABULATION / RECOMMENDATION**

Identification:

"GOLF CART LEASE AND MAINTENANCE"

Bid No.: <u>002-07</u>

Bids to be opened: November 27, 2007

at: 10:00 AM

For: Quail Creek Golf Course

VENDOR:	MANUFACTURER:	MODEL:/ MODEL YEAR	LEASE PERIOD	COMPLY YES/NO	MONTHLY PRICE:	EXTENDED PRICE:
Club Car			36 Months		NO BID	NO BID
Club Car			42 Months		NO BID	NO BID
Club Car			48 Months		NO BID	NO BID
Tee It Up			36 Months		NO BID	NO BID
Tee It Up			42 Months		NO BID	NO BID
Tee It Up			48 Months		NO BID	NO BID
Atv's and Golf Carts.com			36 Months		NO BID	NO BID
Atv's and Golf Carts.com			42 Months		NO BID	NO BID
Atv's and Golf Carts.com			48 Months		NO BID	NO BID
E-Z Go Textron	E-Z-GO Textron	TXT-PDS	36 Months	YES	6047.98	217727.28
	E-Z-GO Textron	TXT-PDS	42 Months	YES	5314.92	223226.64
	E-Z-GO Textron	TXT-PD\$	48 Months	YES	5168.03	248065.44

It is recommended to accept the bid t	from E-Z Go Textron.	All specifications have been met.
Robert Hall Director of Golf		aniel P. Ames urchasing Manager

Councilmember Ford moved to accept the low bid of E-Z Go Textron provided all specifications are met, for the 48 month lease for 70 new golf carts, utility maintenance vehicle, and food/beverage cart for the Quail Creek Golf Course. Councilmember Quinn asked how can we accept the bid, if there is only one bid. One response is not a bid.

Dan Ames, Purchasing Manager, said I cannot make someone bid. Seconded by Councilmember Christenberry, motion passed by the following votes: AYE - Stankoski, Christenberry, Ford, and Gentle. NAY - Quinn. This purchase will be funded by Golf Operating funds.

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

Councilmember Quinn mentioned an article she read where a nine-year-old boy died after being run over by a float in a Christmas parade. She suggested getting with the Mardi Gras Associations to help acquire more barricades for our parades.

Councilmember Christenberry thanked all of the people who helped with this year's Christmas parade.

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

Robert C. Gentle, Council President

Lisa A. Hanks, Assistant City Clerk