

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, 22 January 2007.

Present were Council President Robert C. Gentle, Councilmembers: 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 Councilmember Stankoski, gave the invocation. Councilmember Stankoski moved to approve minutes of the 8 January 2007, regular meeting. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Mayor's Comments and Staff Reports:

- Mayor Kant announced that the New Library is open.
- Mayor Kant announced that Senior Bowl practice is taking place in the Fairhope Municipal stadium.
- Jennifer Fidler, Public Works Director gave the following report on the time schedule for clean-up date at Knoll Park. Ms. Fidler stated that a letter will go out to all citizens informing the citizen of the work at Knoll Park, and a sign will be placed at the park regarding the work. Mayor Kant stated that an article would be within the City Sketch regarding the work at Knoll Park.

22 January 2007

KNOLL, PARK

RESTORATION AND MANAGEMENT' PLAN and TIMETABLE

All of the below will be under the supervision of the Fairhope Single Tax Colony and all costs underwritten by them

- 1 Removal of all undesirable brush within roughly 50' perimeter being careful to preserve native plants, as soon as possible. February 2007 preferred.
- 2 Planting of Longleaf Pine seedlings, Tom Ellis, February 2007.
- 3 Survey of all remaining native trees shrubs, and herbaceous plants (wildflowers.) Peggy Dyson, Fred Nation, Bobby Green. March-April 2007
- 4 Consultation with native plant experts to re-introduce lost wildflowers which were, or one would expect to be, on the site. Peggy Dyson, Fred Nation, Bobby Green. May-June 2007
- 5 Consultation/Plan to re populate the Longleaf Pine/Turkey Oak habitat. Tom Ellis, other experts. Summer 2007
- 6 Tree and shrub planting as recommended in item 5. Late Fall 2007
- 7 Construction of mulch paths through park. Bobby Green Fall 2007
- 8 Construction of signage explaining the history and ecology of the park, Fairhope Single Tax Colony. Winter 2007
- 9 Construction of concrete sidewalks on East and North sides of park allowing the disabled to enjoy the park. FSTC and/or City Of Fairhope?

Ongoing management imperatives:

- 1 Discontinue mowing thereby re-establishing wildflowers and allowing growth of introduced and natural seedling pines.
- 2 Rehabilitate existing azaleas surrounding perimeter of park.
- 3 Suppression of unwanted growth within park. Non-native grasses, invasive species.
- 4 The Knoll Park Committee must have the flexibility to implement this plan over several years time. "The park will improve immediately this year, but a full restoration will take several years and diligence from all the parties involved.

Council President Gentle exited the dais at 5:45 p.m. and returned within ten seconds.

- Rose Forgarty, Finance Director, and Nancy Wilson City Treasure gave a financial report PowerPoint presentation for the Month of December 2006. No City Council action was required nor taken.

22 January 2007

CITY OF FAIRHOPE
CITY COUNCIL MEETING
JANUARY 22, 2007

SUMMARY
FINANCIAL REPORTS
THREE MONTHS ENDED
12/31/2006

GENERAL FUND

	3 MONTHS ENDED 12/31/06	3 MONTHS ENDED 12/31/05	INCREASE (DECREASE)
REVENUES (INCLUDING UTILITY TRANSFERS)	4,358,011	3,026,285	1,331,726
EXPENSES	3,409,650	3,382,739	26,911
EXCESS REVENUE OVER (UNDER) EXPENSE	948,361		

Slide 1

Slide 2

GAS FUND

	3 MONTHS ENDED 12/31/06	3 MONTHS ENDED 12/31/05	INCREASE (DECREASE)
REVENUES	1,645,407	1,923,456	(278,049)
COST OF ENERGY	1,118,172	1,761,399	(643,227)
EXPENSES - INCLUDING TRANSFERS	745,780	693,972	51,808
TOTAL COST/EXPENSE	1,863,952	2,455,371	
EARNINGS (LOSS)	(218,545)		

ELECTRIC FUND

	3 MONTHS ENDED 12/31/06	3 MONTHS ENDED 12/31/05	INCREASE (DECREASE)
REVENUES	4,038,995	3,403,495	635,500
COST OF ENERGY	1,772,651	1,784,170	(11,519)
EXPENSES - INCLUDING TRANSFERS	1,194,239	1,139,342	54,897
TOTAL COST/EXPENSE	2,966,890	2,923,512	
EARNINGS (LOSS)	1,072,105		

Slide 3

Slide 4

WATER/SEWER FUND

	3 MONTHS ENDED 12/31/06	3 MONTHS ENDED 12/31/05	INCREASE (DECREASE)
REVENUES	1,870,278	2,021,139	(150,861)
COST OF ENERGY	137,116	110,631	26,485
EXPENSES - INCLUDING TRANSFERS	1,757,353	1,512,045	245,308
TOTAL COST/EXPENSE	1,894,469	1,622,676	
EARNINGS (LOSS)	(24,191)		

GOLF FUND

	3 MONTHS ENDED 12/31/06	3 MONTHS ENDED 12/31/05	INCREASE (DECREASE)
REVENUES	326,651	321,164	5,487
EXPENSES	374,077	359,718	14,359
EARNINGS (LOSS)	(47,426)		

Slide 5

Slide 6

ALL FUNDS

	3 MONTHS ENDED 12/31/06	3 MONTHS ENDED 12/31/05	INCREASE (DECREASE)
REVENUES	12,239,342	10,695,539	1,543,803
EXPENSES	10,509,038	10,744,016	(234,978)
EXCESS REVENUE OVER (UNDER) EXPENSE	1,730,304		

**CASH BALANCE COMPARISON
AT DECEMBER 31, 2006**

	CURRENT 12/31/2006	PRIOR MONTH 11/30/2006	PRIOR YEAR 12/31/2005
GENERAL FUND	2,142,636	2,093,004	2,730,469
GAS FUND	593,919	617,764	229,415
ELECTRIC FUND	2,258,450	2,372,424	2,765,769
WATER FUND	3,978,191	4,757,984	4,141,281
GOLF FUND	113,316	124,084	326,109
GAS TAX FUND	279,424	272,306	250,154
CAPITAL PROJECTS (INCLUDES LIBRARY PROJECT ACCOUNT)	245,331	874,245	1,530,585
TOTAL - ALL FUNDS	9,611,267	11,111,811	11,973,782
SINKING FUNDS	1,444,498	2,310,767	1,440,918
WARRANT FUNDS	663,181	663,360	1,157,946
BALANCES EXCLUDING SINKING AND WARRANT FUNDS	7,503,588	8,137,684	9,374,918

Slide 7

Slide 8

22 January 2007

- Greg Mims, Planning Director reported that the City of Daphne, and the County met with the City of Fairhope to discuss the Access Management Plan for State Highway 181. All parties are working together on this plan.

Aubrey Fuller and Ms. Karen Moore, with Baldwin County Electric Membership Corporation, presented Mayor Timothy M. Kant with their annual business license check. The check was in the amount of \$60,554.18 representing a percentage of BCEMC's business revenues within the City Limits of Fairhope and representing a percentage of BCEMC's business revenues in the police jurisdiction.

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution adopting amendments to the 2004 Baldwin County Alabama Natural Hazards Mitigation Plan, which is approved by the Federal Emergency Management Agency. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1343-07

A RESOLUTION ADOPTING AMENDMENTS TO THE 2004 BALDWIN COUNTY ALABAMA NATURAL HAZARDS MITIGATION PLAN AS APPROVED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

WHEREAS, The Federal disaster Mitigation Act of 2000 (DMA 2000) as administered by the Alabama Emergency Management Agency (AEMA) and the Federal Emergency Management Agency (FEMA) requires the development and adoption of local natural hazards mitigation plans to qualify for certain FEMA assistance programs; and

WHEREAS, the Baldwin County Natural Hazards Mitigation Plan was adopted by this body and was approved by FEMA in 2004; and

WHEREAS, the Baldwin County Hazard Mitigation Planning Committee has met and proposed amendments to the plan as a result of recent disasters and these amendments have been presented in a public meeting.

NOW THEREFORE BE IT RESOLVED, that the amendments proposed by the Baldwin County Natural Hazards Mitigation Planning Committee and approved by FEMA and AEMA are hereby adopted and made part of the 2004 Baldwin County Mitigation Plan.

ADOPTED this 22ND day of January, 2007.

Timothy M. Kant, Mayor

ATTEST:

Geniece W. Johnson, City Clerk

I, Geniece W. Johnson, City Clerk, City of Fairhope hereby certify that the above is a true and correct copy of **Resolution No. 1343-07** passed at a regular meeting held on the 22ND Day of January, 2007.

Geniece W. Johnson, City Clerk

22 January 2007

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to execute a project application under the Alabama Emergency Management Agency Hazard Mitigation Grant program. Project location 16277 Scenic Highway 98, Fairhope, Alabama. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

RESOLUTION NO. 1344-07

**HAZARD MITIGATION GRANT PROGRAM
DR1593/1605, 2nd STORY CONVERSION
STATE-SUBGRANTEE DISASTER ASSISTANCE AGREEMENT**

WHEREAS, the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) has been established to assist local governments with taking critical mitigation measures to protect life and property from future disasters; and

WHEREAS, the City of Fairhope, Alabama, acting by and through its Council proposes to apply for HMGP funds to assist in the 2nd story conversion; and

WHEREAS, the City of Fairhope, Alabama, as a recipient of these funds as the subgrantee is required to designate and appoint an Administrative/Financial Officer to perform certain duties in the administration of said grant; and

WHEREAS, the City of Fairhope, Alabama, as a recipient of these funds as the subgrantee is required to provide and make available funds for the local non-federal share for the above stated mitigation activities.

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

THAT, Timothy M. Kant, Mayor, is hereby authorized to execute and submit an application with appropriate assurances to the State of Alabama Emergency Management Agency and the Federal Emergency Management agency, requesting HMGP funds in an amount not to exceed \$465,736.00; and,

THAT, the City of Fairhope hereby obligates to provide up to \$116,434.00 (25% of 465,736.00) in cash match in order to complete the proposed mitigation project.

THAT, the City of Fairhope, Alabama, hereby guarantees that such local non-federal share funds will be available upon receipt of an HMGP State-Subgrantee Disaster Assistant Agreement for the period of performance specified therein; and

THAT, Mayor Kant, or his/her designed alternate, be and is hereby designated and appointed as Administrative/Financial Officer under the terms and pursuant to the provisions of the HMGP State Subgrantee Disaster Assistance Agreement, and is directed and empowered to make necessary assurances and to perform on behalf of the City of Fairhope, Alabama, those acts and assume such duties as are consistent with said position.

ADOPTED this 22nd day of January, 2007.

Timothy M. Kant, Mayor

ATTEST:

Geniece W. Johnson, City Clerk

22 January 2007

Councilmember Christenberry introduced in writing, and moved for the adoption of the following resolution, a resolution accepting the public streets, public right-of-way, and all of Fairhope's public utilities within The Waters Subdivision for maintenance. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

RESOLUTION NO. 1345-07

WHEREAS, the Owners of The Waters At Fairhope 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 2317-A, 2317-B, 2317-C, 2317-D, 2317-E, 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 as indicated on the recorded plat, and;

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

WHEREAS, the City of Fairhope, Alabama, is not and in no manner will be responsible for the maintenance of common areas in the subdivision as indicated on the recorded plat, and;

WHEREAS, the City of Fairhope, Alabama, has received from the owners of The Waters At Fairhope 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 The Waters At Fairhope are hereby accepted for public maintenance subject to the bond posted.

Adopted, this 22ND day of January, 2007.

Timothy M. Kant, Mayor

Attest:

Geniece W. Johnson, City Clerk

22 January 2007

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to execute a land lease agreement between the City of Fairhope and The Barnwell Community Association. The 40 acre premise shall be used only as a recreational park for sports such as baseball and softball, and in accordance with used normally incident thereto and for no other purpose. The term of said lease shall end at midnight on the 28th day of April, 2025. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote

RESOLUTION NO. 1346-07

WHEREAS, This Sublease is made and entered into this 17th day of November 2006, by and between **THE BARNWELL COMMUNITY ASSOCIATION**, (hereinafter referred to as "Lessor") and **THE CITY OF FAIRHOPE, ALBAMA**, a municipal corporation (hereinafter referred to as "Lessee"); and,

WHEREAS, the Lessor hereby warrants that the Lessor is the owner of a leasehold interest of that certain parcel of real estate located in Baldwin County, Alabama, which real estate the Lessor let and demises to the Lessee and Lessee leases from the Lessor, consisting of 40 acres more or less lying in Fairhope, Alabama, and more fully described in Exhibit A of the Sublease; and,

WHEREAS, the term of this Lease shall commence on the 17th day of November, 2006, and shall end at midnight on the 28th day of April, 2025; and,

WHEREAS, the demised premises shall be used only as a recreational park for sports such as baseball and softball, and in accordance with used normally incident thereto and for no other purpose; and,

WHEREAS, Lessee shall have the right to enter, construct and build upon the Demised Premises such improvements as Lessee may from time to time deem necessary or desirable in connection with its use of the Demised Premises; to clear such land as in necessary for such construction, and to make such other alteration to property and any improvements as Lessee may deem necessary; and,

WHEREAS, more details are covered within the Sublease.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor Kant is hereby authorized to execute a land lease agreement between the City of Fairhope and The Barnwell Community Association for the rental of real estate consisting of 40 acres more or less in the amount of One Dollars (\$1.00), payable on the 1st day of November each year and on the same day of each year thereafter for the entire term of the Lease.

ADOPTED this 22nd day of January, 2007.

Timothy M. Kant, Mayor

ATTEST:

Geniece W. Johnson, City Clerk

22 January 2007

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution relating to a moratorium on the issuance of building permits for modular buildings (also known as manufactured buildings) in the corporate limits and the police jurisdiction. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

RESOLUTION NO. 1347-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRHOPE,
ALABAMA, TO PROTECT THE HEALTH, SAFETY AND GENERAL
WELFARE OF THE PEOPLE RELATING TO A MORATORIUM ON THE
ISSUANCE OF BUILDING PERMITS FOR MODULAR BUILDINGS (ALSO
KNOWN AS MANUFACTURED BUILDINGS) IN THE CORPORATE LIMITS
AND THE POLICE JURISDICTION**

WHEREAS the City Council of the City of Fairhope, Alabama has expressed concerns regarding the construction of modular buildings in the corporate limits and the police jurisdiction of the City; and

WHEREAS the City Council finds that the City needs time to determine the manner and extent to which modular buildings can be regulated so that they comply with the aesthetic and other requirements of the community and a Moratorium is proper and is in the best interests of the health, safety and welfare of the City of Fairhope and its residents.

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

Section 1. A moratorium is hereby adopted, ratified, confirmed and approved for a period of ninety days on the issuance of building permits for modular buildings in the corporate limits and the police jurisdiction so staff can review and research the relevant issues concerning modular homes.

Section 2: A “modular building” as defined by this Resolution shall mean a “manufactured building” as defined by *Ala. Code §24-4A-2(13)*.

Section 3: Any projects already submitted prior to the passing of this Resolution will not be subject to this Moratorium.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA AT A REGULAR MEETING THEREOF ON THE 22nd DAY OF JANUARY, 2007.

Timothy M. Kant, Mayor

ATTEST:

Geniece Johnson, City Clerk

22 January 2007

Dick Charles, Chairman of the Baldwin County Stormwater Cooperative (aka Bluewater Committee) addressed the City Council to present the following material.

Baldwin County Stormwater Cooperative

WHAT IS THE BALDWIN COUNTY STORMWATER COOPERATIVE?

The BCSC will be, if approved, a legally constituted public corporation and a **voluntary** association of Baldwin County local governments that supports communities in prioritizing and solving flooding problems across municipal and county boundaries. Enabling legislation is necessary to begin building the cooperative to conform to the needs of the participating communities



WHY DO WE NEED THE BCSC?

Baldwin County is facing unprecedented pressures on its surface water resources. These pressures can have the effect of reducing aesthetics and County property values. These pressures include:

- ◆ rapid urban development which greatly increases flooding, increases channel erosion, and causes habitat destruction;
- ◆ aging drainage infrastructure (culverts, ditches, pipes, inlets, etc.) that is not being fully maintained; and
- ◆ deteriorating water quality in streams and the bay due to increasing pollution and sediment runoff.

HOW WILL IT BE STRUCTURED AND WHAT WILL IT DO?

Each city who wishes, and Baldwin County, will be represented on the governing board. All participating jurisdictions will be fairly represented on the board which will make all decisions. The BCSC will both perform key services County-wide and will, optionally, assist local governments who desire in managing their own local stormwater programs.



22 January 2007

WHAT WILL THIS COST AND HOW WILL IT BE FUNDED?

The county-wide core program is expected to cost in the range of \$2 to \$3 million dollars annually. Of this total, fully two-thirds goes directly to capital construction – fixing flooding problems. The rest is for planning, monitoring, education, and service to local governments.

The needed revenue will be generated based on how much runoff a developed parcel of land has. Stormwater runoff is directly related to the amount of land on a parcel that is covered with hardened surfaces - rooftops, parking lots, etc.

It only makes sense that:
"the more you pave the more you pay."

That is understandable and fair. It is like using water – the more you use the more you must pay. In the same way, a small stormwater user fee will be charged to each developed parcel of land within a participating community. The actual charge depends on the final participation list and the program costs but is expected to be less than \$3.00 per month per household for the core program. Properties with more developed area will pay correspondingly more in a fee. There will also be credits against the fee for such things as well maintained detention ponds or water quality treatment practices. There are many such user-fee based organizations across the United States, over 700, and more every day. This is because such arrangements have a great track record of success and often are strongly supported by local residents when they understand the need.



WHERE CAN I GET MORE INFORMATION?

Each local community is part of the process. Contact the Stormwater Working Group coordinated by the Mobile Bay National Estuary Program at (251) 431-6409 for more information. At this time, your support for enabling legislation which will allow local jurisdictions in Baldwin County to organize the Baldwin County Stormwater Cooperative to best serve all citizens is needed. A resolution from your community will aid in securing local and state legislative backing for the process that will guarantee a stable and equitable revenue streams to handle growing flooding problems.

Talking Points: Baldwin County Stormwater Cooperative

Why are we here?

At this time, your support for enabling legislation which will allow local jurisdictions in Baldwin County to organize the Baldwin County Stormwater Cooperative to best serve all citizens is needed. A resolution from your community will aid in securing local and state legislative backing for the process that will guarantee a stable and equitable revenue streams to handle growing flooding problems.

What is it?

The BCSC will be, if approved, a legally constituted public corporation and a **voluntary** association of Baldwin County local governments that supports communities in prioritizing and solving flooding problems across municipal and county boundaries. The BCSC will establish and collect stable and equitable funding that will be fairly distributed to participating jurisdiction over a revolving, average period.

22 January 2007

The cornerstone of the BCSC is the establishment of a funding stream that will do the things desired by the communities and their citizens. In the real world, Stormwater programs, good and bad, are built on resources, money or revenue.

Resources are the things that can be gotten on the internet, from government agencies or nonprofit groups, or other sources. These include plans and activities to educate citizens or staff on best management practices, deploying local Scouts to do storm drain stenciling, and public service announcements about runoff pollutants. Good ideas but fail to provide Stormwater programs with real funds that serve the program meet infrastructure needs over time.

Money is the cost-share grant or impact fee. Grants and impact fees are short term or onetime injections of funds in the Stormwater program. Grants run out necessitating the constant hunt for more opportunities. Impact fees are also limited in that they only cover the immediate impacts of the development activity and not long term infrastructure needs. They are administered only to new development. In addition, they are very limited in how they may be spent.

Revenue is the only long term, stable source of Stormwater program funding. The BCSC has proposed a user fee based upon amounts of imperious cover on residential, commercial, not for profit and government property. The fee will be administered to old and new development and be flexible in the way the revenue is spent.

Are participating communities fairly represented?

If the enabling legislation is supported and passed, the work on the nuts and bolts of the BCSC will begin. A governing board will be established to oversee the BCSC and make all decisions. Each city and Baldwin County wishing to participate will be represented on the governing board. All participating jurisdictions will be fairly represented on the board. The BCSC will both perform key services county-wide and will, optionally, assist local governments who desire in managing their own local stormwater programs.

There will likely be some distribution based on population of the participating jurisdictions. Also, a Technical Committee will advise the governing board. An executive committee could be established by the governing board to handle day-to-day operating decisions.

The exact make-up of the BCSC departments and the like will be determined if enabling legislation is passed.

Councilmember Ford inquired if this proposed resolution is approved by the City Council what will be city be committing to. Mr. Charles explained that the passing of the proposed resolution would only support enabling legislature through the state.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution to support state legislation that enables the formation of a voluntary regional Stormwater Management Authority that is offered to incorporated and unincorporated areas of Baldwin County, Alabama. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote

22 January 2007

RESOLUTION NO. 1348-07

**TO SUPPORT STATE LEGISLATION THAT ENABLES THE FORMATION
OF A VOLUNTARY REGIONAL STORMWATER MANAGEMENT
AUTHORITY THAT IS OFFERED TO INCORPORATED AND
UNINCORPORATED AREAS OF BALDWIN COUNTY, ALABAMA**

WHEREAS, Baldwin County is facing unprecedented pressures on its surface water resources that, left unattended, will have the effect of reducing aesthetics and County property values; and

WHEREAS, these pressures include rapid urban development which greatly increases flooding, increases channel erosion, and causes habitat destruction, aging drainage infrastructure (culverts, ditches, pipes, inlets, etc.) that is not being fully maintained, and deteriorating water quality in streams and the bay due to increasing pollution and sediment runoff; and

WHEREAS, these impacts cannot be entirely avoided or eliminated but can be minimized; and

WHEREAS, it is in the public interest and the health, safety, and welfare of the citizens of Baldwin County/City of Fairhope to promote effective and efficient management of regional and local stormwater runoff; and

WHEREAS, it is currently recognized that control of stormwater quantity and quality is most effectively implemented on a watershed scale, across boundaries of individual municipalities; and

WHEREAS, the development and implementation of an effective regional stormwater cooperative program will assist Baldwin County/City of Fairhope in meeting its stormwater related needs; and

WHEREAS, Baldwin County/City of Fairhope is responsible for providing appropriate and consistent stormwater services and protection to all its citizens, and to promote compliance with federal and state laws, rules, regulations, and permits relating to stormwater discharges regulated under stormwater rules; and

WHEREAS, Baldwin County/City of Fairhope supports promoting the inter-cooperation of Baldwin County governing bodies in implementing stormwater programs that address stormwater management on a watershed scale and across municipal boundaries; and

NOW, THEREFORE BE IT RESOLVED that Baldwin County/City of Fairhope fully supports State of Alabama Legislation to enable the formation of the Baldwin County Stormwater Cooperative, a totally voluntary public corporation that will both perform key services County-wide and will, optionally, assist local governments who desire in managing their own local stormwater programs.

BE IT FURTHER RESOLVED that the intention of supporting the establishment of the Baldwin County Stormwater Cooperative is made with the understanding that, through the development of a representative board of directors, the methods and procedures they shall use to carry out the stormwater program, to make their respective participation in a public corporation inter-cooperation program optional, and to adopt policies and procedures pertaining to their responsibilities in the program and the procedure for entry into and exit from the program will be determined in such a manner as to promote balance and equity among its members.

APPROVED THIS THE 22nd DAY OF January, 2007.

Timothy M. Kant, Mayor

ATTEST:

Geniece W. Johnson, City Clerk

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the reimbursement to the City of Fairhope Airport Authority for any expenditure on certain airport projects prior to receiving the potential Airport Authority Bond Issue 2007. Seconded by Councilmember Ford, motion passed unanimously by voice vote

RESOLUTION NO. 1349-07

WHEREAS, the City of Fairhope Airport Authority is hereby considering taking a General Obligation Warrant Bond Issues for certain Airport Authority projects located at the H. L. "Sonny" Callahan Airport.

WHEREAS, the following projects shall be included in the Bond Issues 2007, and all expenditures prior to the completion of the Bond Issue process shall be reimbursed:

- Construct Access Taxiways and Approach Aprons - \$268,527.04
- Purchase of property
- Payoff construction of the two new T-hangers
- Administrative and legal costs

Estimated Project Total \$ 8.5 Million

NOW BE IT RESOLVED that the City of Fairhope Airport Authority hereby express official intend to reimburse any cash expenditures from the proceeds of General Obligation Warrant Bond Issues.

22 January 2007

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant and Airport Authority Chairperson W. Colton Coile is hereby authorized to reimburse the City from cash expended with Bond Issue Monies of 2007 by the Airport Authority.

DULY ADOPTED THIS 22nd DAY OF January, 2007.

Timothy M. Kant, Mayor

Attest

Geniece W. Johnson, City Clerk

Gregg Mims, City's Planner addressed the City Council to explain the Site Plan Review of property owners, Mike Bernhardt - Founder's Square development at the Old Post Office site located at 76 Section Street, Fairhope, Alabama for a proposed mixed-use building.

STAFF INTERPRETATION:

Scott Hutchinson of HMR, LLC is representing Mr. Mike Bernhardt in this request. The property is zoned B-2 (General Business), and is located in the Central Business District (CBD). The proposed building is three stories and will be used for commercial and residential purposes.

Development History:

This application was heard at the December 04, 2006 Planning Commission meeting. The application was tabled until the next regularly scheduled Planning Commission meeting (January 02, 2006) to resolve issues regarding site access.

On December 15, 2006 the City of Fairhope Parking Authority met to discuss access for the subject site. The Parking Authority agreed to give the applicant a 20-foot easement along the eastern property line of the parking lot immediately to the West.

On December 18, 2006 the City Council consented to grant a 20-foot ingress-egress easement on the East property line of the parking lot abutting the West property line of the Founder's Square development.

Entering and exiting the site by use of DeLaMare Avenue and the 20-foot easement approved by the Parking Authority and City Council accommodates access for the site.

Building Height and Building Square Footage: The maximum building height allowed for Mixed Use projects in the CBD is 35 feet. The proposed structure will not exceed 35 feet in height.

The total lot area is 26,854 square feet. Total impervious surface area resulting from building coverage is approximately 19,616 square feet.

Number of Units: A total of twelve (12) residential units and six (6) commercial units are proposed.

Parking Requirements: Zoning Ordinance provisions require 12 parking spaces for this particular development; 22 on-site below building spaces are provided.

22 January 2007

Site Access: In order to access the development, future residents will enter and exit from the parking lot to the West. Three (3) parking spaces will have to be removed from the parking lot in order to accommodate site access. The City of Fairhope Parking Authority leases the parking lot areas from the Single Tax Corporation.

Two (2) public parking spaces will be gained on Section Street due to the removal of existing curb cuts.

Architecture: The architectural design of the buildings is in character with, and will aesthetically enhance the property and surrounding area.

PLANNING COMMISSION RECOMMENDATION:

On January 02, 2006 the Planning Commission voted to recommend approval of the Site Plan.

Respectfully Submitted for Consideration,

Jonathan I. Smith
Planner
City of Fairhope

B. Gregg Mims
Planning Director
City of Fairhope

Wes Stapleton addressed the City Council and presented the following document and stated that if the public parking lot is no longer used as a public parking lot then Masonic Drive can no longer be used.

City of Fairhope
"On Beautiful Mobile Bay"
 P. O. DRAWER 280
 FAIRHOPE, ALABAMA 36532

JAMES P. NIX
MAYOR

EVELYN P. PHILLIPS
CITY CLERK

COUNCILMEM:
DAVID E. BISHOP
HENRY G. BISHOP
SAMUEL L. BOW
JACK A. SHIFF
BILLY DON WIGGINS

AN AGREEMENT BETWEEN THE FAIRHOPE PARKING AUTHORITY, THE CITY OF FAIRHOPE,
 GREENO LODGE #598 F&AM, AND TOM BROWN

The FAIRHOPE PARKING AUTHORITY AND THE CITY OF FAIRHOPE, agrees to construct and maintain a one-way driveway with traffic to run East to West off of Section Street into the proposed public parking facility. This drive to be built on seven and one-half feet (7½) of property owned by Greeno Lodge #598 F&AM and seven and one-half feet (7½) owned by Tom Brown, running West from Section Street to the parking lot located on the West boundaries of the Greeno Lodge property and the Tom Brown property.

This agreement will remain in effect as long as the parking lot remains a public parking facility.

Ray Malone
Chairman, Parking Authority

James P. Nix
Mayor

Greeno Lodge #598 BY: *C. D. Mc-Cawbery*
David D. ...
C. D. ...
... ..

Thomas H. Brown
Tom Brown

STATE OF ALABAMA,
BALDWIN COUNTY

I certify that this instrument was filed on
APR 21 1980 1120 AM

and that no fee was collected. Recorded in *RP*
 Book *...* Page *...* Judge of Probate
 MH \$1.00 Index \$ *...* By *...*

REC- 68 782132

THE CITY OWNS ITS WATER WORKS, ELECTRIC DISTRIBUTION SYSTEM, GAS SYSTEM AND SEWERAGE SYSTEM

22 January 2007

The City Council request that the City Attorney, Marion E. Wynne research to see if the Agreement listed above would be breached.

Harry Ollinger addressed the City Council stating that he does not have a problem with the new neighbors, but adding Founder's Square to the already heavy traffic problem will only cause more of a congestion and traffic problem.

Hop Allen addressed the City Council to inquire if the general parking was going to be used by the residents of Founder's Square. Mr. Mims stated that Founder's Square will be providing their own parking.

Ray Moore with Hutchinson Moore and Rauch, LLC addressed the City Council to answer any concerns of the City Council.

It was discussed and determined that the document presented by Mr. Stapleton would not cause a breach in the agreement of 1980, because the public parking lot will remain as a public parking lot.

Mayor Kant stated that he would have staff to look at Masonic Drive to see if anything can be done to make this area safer.

After further discussion, Councilmember Quinn moved to approve the Site Plan of property owners, Mike Bernhardt - Founder's Square development at the Old Post Office site located at 76 Section Street, Fairhope, Alabama for a proposed mixed-use building. Seconded by Councilmember Christenberry, motion passed by the following vote: AYE-Quinn, Stankoski, Christenberry, and Ford. NAY-None. ABSTAIN-Gentle

Gregg Mims, City's Planner addressed the City Council to explain the Site Plan Review of property owners, Douglas and Sarah Kennedy. The Kennedy Site Plan located at 308 Magnolia Avenue (Southside of Magnolia Avenue, just West of Section Street) for a proposed mixed-use building

STAFF INTERPRETATION:

Douglas Kennedy is the authorized agent for Sarah Kennedy and himself in this request. The property is located in the Central Business District (CBD) and is zoned B-2 (General Business). The applicant is proposing a 3-story professional office/residential building.

The mixed-use building is composed of four (4) residential dwelling units and eight (8) lease spaces for office/commercial uses.

Building Height and Building Square Footage: The site's lot area is approximately 12,197 square feet; the total building coverage for this project is 4,442 square feet (≈36%). Maximum building height is 35'; the applicant is proposing a 34' 6" building height.

Parking Requirements: Mixed-use developments in the Central Business District are required one (1) space per residential dwelling unit; no parking is required for non-residential uses in the CBD. Four parking spaces are required; 10 spaces are provided on the South side of the property (behind the building).

Site Access: A common access driveway off of Magnolia Avenue is provided.

22 January 2007

Landscaping: The applicant met on-site with the City Horticulturalist and a member of the Tree Commission on September 8, 2006 to review existing vegetation. The trees located along the South property line will be preserved through the use of gravel in this parking area rather than pavement.

PLANNING COMMISSION RECOMMENDATION:

The application was heard at the December 4, 2006 Planning Commission meeting.

The Planning Commission recommends the City Council approve the Site Plan as requested.

Respectfully Submitted for Consideration,

Jonathan I. Smith
Planner
City of Fairhope

B. Gregg Mims
Planning Director
City of Fairhope

Councilmember Christenberry moved to approve the Site Plan Property owned, by Douglas and Sarah Kennedy. The Kennedy Site Plan located at 308 Magnolia Avenue (Southside of Magnolia Avenue, just West of Section Street) for a proposed mixed-use building. Seconded by Councilmember Ford, motion passed by the following votes: AYE-Stankoski, Christenberry, Ford, and Gentle NAY-Quinn.

Councilmember Christenberry made a motion to approve an application for a Restaurant Liquor License by Kenneth P. Buck, dba Buck's Diner, located at 58 North Section Street, Fairhope, Alabama. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.



www.volkert.com

January 17, 2007

3809 Moffett Road (36618)
P.O. Box 7434
Mobile, Alabama 36670-0434
251.342.1070
Fax 251.316.3854
volkert@volkert.com

A.I.P. No. 01-0029-009-2007
Contract No. 673801.10
Construct Access Taxiways and
Approach Aprons at the
H.L. Sonny Callahan Airport
Fairhope, Alabama

Mr. Colton Coile, Chairman
Fairhope Airport Authority
161 North Section Street
Fairhope, Alabama 36533

Dear Mr. Coile:

Enclosed are three (3) copies of the Tabulation of Bids received on December 21, 2006 for the referenced project. The following is a summary of the total bid amounts submitted.

Contractor	TOTAL BID AMOUNT
McConnell Contracting, Inc.	\$269,527.04
Asphalt Supply, L.L.C.	\$274,232.50
John G. Walton Construction Co., Inc.	\$377,453.26

We have reviewed the bids and found errors and/or irregularities in the following bids:

1. McConnell Contracting, L.L.C.
 - o Did not complete the Unit Price column for the following pay items:
 - 665X-000 – Temporary Erosion Control Plan
 - SP1-1 – Mobilization
2. Asphalt Supply, Inc.
 - o Extension error totaling \$3,000.00 in pay item 621C-027.
 - o Did not sign the Certificate of Compliance in Section F – Disadvantaged Business Enterprise Program of the proposal pages.
3. John G. Walton Construction Co., Inc.
 - o Did not acknowledge the Addendums by initialing page 12 of the plans

Office Locations:
Birmingham, Foley, Mobile, Alabama • Gainesville, Orlando, Pensacola, Tampa, Florida • Atlanta, Georgia • Collinsville, Illinois
New Orleans, Louisiana • Tupelo, Mississippi • Raleigh, North Carolina • Chattanooga, Tennessee • Alexandria, Virginia • Washington, D.C.



Page 2 – Contract No. 673801.10
Letter to Mr. Colton Coile
RE: Recommendation of Award
January 17, 2007

and specifications; however, the Contractor did verbally acknowledge both Addendums.

None of the errors/irregularities changed the order of the bidders.

If after review the Fairhope Airport Authority agrees, we recommend the award be made to McConnell Contracting, Inc. in the amount of \$269,527.04.

If you concur with the above, please provide us with a Notice to Proceed and we will prepare the contracts for execution by the Contractor.

Please call at your convenience should you have any questions regarding these items.

Sincerely,

Michael W. Davis, P.E.

for. Bobby Odom, P.E.
Project Engineer

/cp

Enclosures

C: Mr. William Schuller, FAA/Airport District Office
Dr. John C. Eagerton, IV, Aeronautics Bureau - ALDOT

FAIRHOPE AIRPORT AUTHORITY
TABULATION OF BIDS RECEIVED DECEMBER 21, 2006
PROJECT NO. 073803.09
CONSTRUCT ACCESS TAXIWAYS AND APPROACH APRONS
AT H.L. SONNY CALLAHAN AIRPORT

Item No.	Item Description	Quantity	Unit	1 McConnell Contracting, Inc.		2 Asphalt Supply, L.L.C.		3 John G. Walton Construction		4 Engineer's Estimate	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
FAA CONSTRUCTION ITEMS											
F-102-5.1	20' Lead Gate, in place	1	EA	\$1,755.00	\$1,755.00	\$2,000.00	\$2,000.00	\$1,725.00	\$1,725.00	\$1,600.00	\$1,600.00
P-101-5.1	Milling (0.5")	300	SY	\$21.11	\$6,333.00	\$15.00	\$4,500.00	\$20.75	\$6,225.00	\$10.00	\$3,000.00
P-151-4.1	Clearing and Grubbing	1	ACRE	\$8,663.00	\$8,663.00	\$10,000.00	\$10,000.00	\$8,830.21	\$8,830.21	\$2,000.00	\$2,000.00
P-152-4.1	Unclassified Excavation, in place	2,500	CY	\$7.53	\$18,825.00	\$11.75	\$29,375.00	\$8.59	\$21,475.00	\$5.00	\$12,500.00
P-154-5.1	Subbase Course, 1 1/2" Compacted Thickness in place	1,100	CY	\$39.71	\$43,681.00	\$11.40	\$12,540.00	\$56.02	\$61,622.00	\$20.00	\$22,000.00
P-213-5.1	Sand-Clay Base Course, 8" Compacted Thickness in place	1,250	SY	\$5.46	\$6,825.00	\$14.40	\$18,000.00	\$14.77	\$18,462.50	\$10.00	\$12,500.00
P-602-5.1	Bituminous Prime Coat	800	GAL	\$5.15	\$4,120.00	\$3.35	\$2,680.00	\$5.06	\$4,048.00	\$2.00	\$1,600.00
P-603-5.1	Bituminous Tack Coat	500	GAL	\$3.28	\$1,640.00	\$3.65	\$1,825.00	\$3.27	\$1,635.00	\$2.00	\$1,000.00
P-620-5.1	Runway and Taxiway Painting	1,200	SF	\$2.34	\$2,808.00	\$3.00	\$3,600.00	\$4.03	\$4,836.00	\$2.00	\$2,400.00
T-901-5.1	Seeding	1	ACRE	\$750.00	\$750.00	\$4,000.00	\$4,000.00	\$1,205.53	\$1,205.53	\$2,000.00	\$2,000.00
T-904-5.1	Sodding	25	SY	\$9.36	\$234.00	\$12.50	\$312.50	\$11.81	\$295.25	\$20.00	\$500.00
T-905-5.1	Topsoiling	200	CY	\$14.24	\$2,848.00	\$70.00	\$14,000.00	\$15.27	\$3,054.00	\$10.00	\$2,000.00
ALDOT CONSTRUCTION ITEMS											
02AA-301	Superpave Bituminous Concrete Wearing Surface Layer, 3/4" Maximum Aggregate Size Mix, ESAL Range A/B (160lb/5Y)	350	TON	\$124.56	\$43,596.00	\$93.00	\$32,550.00	\$122.43	\$42,850.50	\$95.00	\$33,250.00
03AC-340	Superpave Bituminous Concrete Base Layer, 1" Maximum Aggregate Size M6, ESAL Range A/B	780	TON	\$93.69	\$73,078.20	\$91.50	\$71,370.00	\$92.09	\$71,830.20	\$75.00	\$58,500.00
550A-001	18" Reseal Pipe, Class 3 R.C.	128	LF	\$40.15	\$5,139.20	\$45.00	\$5,760.00	\$37.24	\$4,766.72	\$50.00	\$6,400.00
621A-007	Junction Boxes, Type Parallel	1	EA	\$2,473.43	\$2,473.43	\$1,950.00	\$1,950.00	\$2,133.84	\$2,133.84	\$1,500.00	\$1,500.00
621E-007	Inlets, Type C	2	EA	\$2,483.83	\$4,967.66	\$3,000.00	\$6,000.00	\$2,315.79	\$4,631.58	\$4,000.00	\$4,000.00
621D-002	Inlet Urns, Type C	1	EA	\$407.59	\$407.59	\$1,800.00	\$1,800.00	\$2,124.22	\$2,124.22	\$1,300.00	\$1,300.00
621D-000	Precast Concrete Parking Bumpers	16	EA	\$68.56	\$1,096.96	\$100.00	\$1,600.00	\$128.26	\$2,052.16	\$200.00	\$3,200.00
665L-000	Slit Fence, Type A	500	LF	\$7.00	\$3,500.00	\$6.00	\$3,000.00	\$4.47	\$2,235.00	\$5.00	\$2,500.00
665Q-000	12 Inch Waste	300	LF	\$3.00	\$900.00	\$70.00	\$21,000.00	\$11.16	\$3,348.00	\$5.00	\$1,500.00
665X-000	Temporary Erosion Control Plan	1	LS	\$16,706.00	\$16,706.00	\$4,500.00	\$4,500.00	\$15,232.00	\$15,232.00	\$10,000.00	\$10,000.00
CONSTRUCTION ITEMS											
SPI-1	Mobilization	1	LS	\$13,406.00	\$13,406.00	\$20,000.00	\$20,000.00	\$64,873.55	\$64,873.55	\$10,202.50	\$10,202.50
TOTAL BID AMOUNT					\$269,537.04*		\$374,331.50**		\$377,453.16		\$214,252.50

* The Contractor did not complete the Unit Price column; however, the Contractor did complete the Total Amount column.
 ** Corrections were made in Total Amount due to extension errors in the original bid.
 I, Bobby R. Odum, P.E., Volkert & Associates, Inc., Consulting Engineers, do hereby certify that this tabulation of bids received by the Fairhope Airport Authority on December 21, 2006 for construction of the herein referenced project is a true and correct copy of the bids submitted by the within named corporations.
 Bobby R. Odum, P.E.
 Volkert & Associates, Inc.

Councilmember Ford moved to accept the low bid of McConnell Contracting, Inc, Theodore, Alabama, for construction of an Access Taxiways and Approach Aprons at the H. L. "Sonny" Callahan Airport for the two new T-Hangers. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

TABULATION & RECOMMENDATION

Identification: "INFIELD DRAG MACHINE-REC. DEPT."

Bids open on: Jan. 3, 2007
at: 10:00 a.m.

VENDOR:	MANUFACTURER:	PRICE:	DELIVERY:
Beard Equipment Mobile, AL	John Deere Source-One 1200A Hydro Unit	\$10,800.00	10-25 Days
Kilpatrick Camden, AL	Smithco	\$10,995.00	30-Days
Jerry Pate Pensacola, FL	<i>SPECIFICATIONS NOT MET</i> (Toro 2020, Model: 08884)	\$8,995.00	Within 30-Days
Beard Equipment Mobile, AL	<i>ALTERNATE BID:</i> <i>SPECIFICATIONS NOT MET</i> (John Deere, 1200A)	\$8,947.50	10-25 Days
Foley Implement Foley, AL	<i>NO RESPONSE</i>		

It is recommended to accept the bid from **BEARD EQUIPMENT COMPANY, Mobile, Alabama**. All specifications have been met.

Eddie Boyett,
Recreation Dept.

Wayne Smith,
Purchasing Agent

Jerry Pate

Bided on the Toro 2020, Model: 08884. This model unit has a rear mounted scarifier buint into Rahn Infield Groomer Attachment. We specified an underbelly unit.

Beard Equipment

Alternate Bid – Machine bid did not include a hydraulic lift. A hydraulic lift was in the specifications.

Councilmember Stankoski moved to accept the low bid of Beard Equipment Company, Mobile, Alabama, for the purchase of a Infield Drag Machine. The total cost of the machine is \$10,800.00 the City's cost will be \$4,800.00 the remaining cost will be shared by the Baseball team and Fairhope High School. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Councilmember Ford moved to address the following item not on the printed agenda. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Christenberry addressed the City Council stating that at the December 18, 2006 regular City Council meeting Mayor Kant was authorized to redo the survey, and to report back to the City Council to see how the survey has changed in 2007. The results were received and the figures did not support offering Broadband services in Fairhope. Councilmember Christenberry moved to remove broadband off the table. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

22 January 2007

Mayor Kant commended Councilmember Quinn for being appointed Chairperson to the National League of Cities Energy, Environmental Natural Resources Steering Committee.

There being no further business to come before the City Council the meeting was duly adjourned at 6:39 p.m.

Robert C. Gentle, Council President

Geniece W. Johnson, City Clerk

