

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, 8 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 Marion E. Wynne, City Attorney, gave the invocation. Councilmember Christenberry moved to approve minutes of the 18 December 2006, regular meeting. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Mayor's Comments and Staff Reports:

- No comments or staff reports by Mayor Kant

Mayor Kant and Sherry Sullivan presented certificates to the Fairhope High School Cross Country Team, the Cross Country Team rank 10th in the state.

Mayor Kant exited the dais at 5:40 p.m.

Glen LeRoy with Gould Evans Goodman Associates, LC, Kansas City, Missouri gave an overview of the updates to the Comprehensive Plan.

Mayor Kant returned to the dais at 5:44 p.m.

Mr. LeRoy stressed that connectivity will help with traffic issues in Fairhope, and stated that 15 years from now the people will thank the governing body for connectivity. Mr. LeRoy also stated that the comprehensive plan should be a living tool and should be amended every four to five years or as needed.

The Planning Department received a recommendation to incorporate several suggestions pertaining to trees into the Comprehensive Plan, which would amend the Comprehensive Plan. These recommendations/suggestions will be remanded to the Planning and Zoning Commission, and then come before the City Council.

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Mr. LeRoy's reviewed his points of emphasis that City Council should work on:

- Downtown Stability
 - Organize structure
 - Common Market and promoters
 - Physical/Policy Improvement
- Greeno Road Transportation
 - Work with current owners
- Maintain Connectivity
 - Reinforce the regulations
- Aggressive Annexation
 - Edge property owners

Mr. LeRoy stated that the major issues for the City of Fairhope are not at the center of the City, but at the edge of the city. Work with the property owners at the edge of the city.

Councilmember Quinn introduced in writing, a resolution of permanent operations to amend the City of Fairhope Comprehensive Plan.

Council President Gentle opened the public hearing at 5:54 p.m.

1. Vince Valentim a resident of Fairhope addressed the City Council with concerns with the village plan. Mr. Valentim stated that the City of Fairhope needs a plan that can get a hold of traffic and drainage issues. He also recommends that the City Council hold off the adoption of the updates to the Comprehensive Plan until the studies on the traffic and drainage are received.

Mr. Valentim stated that the City should hire a Compliant Officer to make sure the residential areas are being maintained.

2. Jack Russo a resident of Quail Creek expressed that more objectives are need to obtain the goals of the Comprehensive Plan.

Public hearing closed at 6:03 p.m.

Mr. LeRoy addressed the concerns of Mr. Russo and Mr. Valentim

- The Comprehensive plan has more objectives and the goals are within the comprehensive plan are more detail.
- Social Economical Housing – The Comprehensive Plan never calls for the city to develop housing, and the City does not own the land being developed.
- Infrastructure – Infrastructure is only done by capital improvement.
- Connectivity – You cannot have a village concept without connectivity, and every time you do not mandate connectivity you take a step backwards to congestive traffic issues.
- Compliant Officer – Can only improve the plan.

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- The Comprehensive Plan is drawn from a system that includes the general public, and the city is always open to anyone's ideas.

City Council President Gentle inquired if the comprehensive plan was specific enough. Mr. LeRoy stated that the plan is more specific then before and should be. Mr. LeRoy further stated that you do not want a plan the list rules on everything. The plan is to point you in the right direction.

Mr. LeRoy also stated that an annual forum should be held to see where the City stands with the Comprehensive Plan. Make the Comprehensive Plan a living document.

In order to take immediate action Councilmember Stankoski moved for immediate consideration. Seconded by Councilmember Ford, motion for immediate consideration passed unanimously by the following votes: AYE-Quinn, Stankoski, Christenberry, Ford, and Gentle. NAY-none. Councilmember Stankoski then moved for final adoption of Resolution No. 1339-07. Seconded by Councilmember Christenberry, motion for final adoption passed unanimously by the following vote: AYE- AYE-Quinn, Stankoski, Christenberry, Ford, and Gentle. NAY-none

RESOLUTION NO. 1339-07

A RESOLUTION TO AMEND AND UPDATE THE CITY OF FAIRHOPE COMPREHENSIVE PLAN AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The City of Fairhope Planning Commission adopted a new Comprehensive Plan in December 2000, and:

WHEREAS, The City Council of the City of Fairhope adopted a new Comprehensive Plan in January 2001, and:

WHEREAS, This Plan engaged the public in order to extract concerns, goals, objectives, and vision that the community held to be important, and;

WHEREAS, This Plan has been recognized across the State and the Nation as creative, unique, visionary, and important, and;

WHEREAS, the Plan provides for updates every five years and the City of Fairhope Planning Commission held a public hearing in July 2006 and adopted the updates in December 2006:

WHEREAS, the City Council finds that the ability of the City Planning Commission to plan properly for the physical development of the City requires that it continue to exercise its statutory planning authority within extraterritorial areas consistent with its five-mile subdivision authority; and

WHEREAS, the City finds that the rational planning of public utilities, whether publicly or privately owned, is a fundamental prerequisite to the reasonable exercise of its authority to regulate the subdivision of land within its corporate boundaries and within five miles thereof; and

WHEREAS, the City Council finds that within its five-mile subdivision jurisdiction, the planned extension of public utilities, whether publicly or privately owned, has a direct bearing on the planning of the City; and

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WHEREAS, the City Council finds that the subdivision of land and the proper planning of subdivided regions are inextricably tied to the provision of essential public facilities and services, including, water, light, sanitation, transportation, communication, power and other public purposes; and

WHEREAS, pursuant to Sections 11-52-8, 11-52-11, and 11-52-30, *inter alia*, the City Council finds that its ability to implement the policies of its adopted master plan depends on the reasonable exercise of its authority to regulate the subdivision of land and the general location and extent of public utilities, whether publicly or privately owned, within its boundaries and within five-miles of its corporate limits; and

1. **THAT**, the Comprehensive Plan of the City of Fairhope shall be amended in various sections as noted by the highlighted copy of said plan as hereinafter described:

EFFECTIVE DATE: This amendment shall be in full force and effect upon its due adoption, publication, and certification as provided by law.

Adopted this 8th Day of January, 2007

Timothy M. Kant, Mayor

Attest:

Geniece W. Johnson, City Clerk

Councilmember Christenberry introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to execute a lease agreement between the City of Fairhope and G. Carol Bramblett for the Fly Creek Fish Market. The lease term shall be for five (5) years, with one (1) five (5) year renewal or extension option. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

RESOLUTION NO. 1340-07

WHEREAS, this lease agreement is entered into between G. Carol Bramblett “Tenant” or “Lessee” and the City of Fairhope “Landlord” or “Lessor” to lease that premises situated in Baldwin County, Alabama, commonly known as the “Fly Creek Fish Market”; and

WHEREAS, the Lessee shall furnish and provide the following improvements, facilities and services on the leased premises, (a) an ice machine to provide reasonably priced ice to fisherman, crabbers and shrimpers; (b) access to tourists and guided tours of the area; (c) provide bait and tackle to recreational fishermen; (d) refurbish the existing building in compliance with all building codes and flood plain requirements; (e) landscape and maintain an attractive and clean parking area; (f) bathrooms in existing structure shall at all time be open and available to the general public, and they shall be maintained by the Lessee or her designees; and

WHEREAS, all improvements and additions required herein shall be completed within six (6) months of the execution date hereof and thereafter all improvements, facilities and services shall remain available to the public during the entire term of this lease and any extension thereof; and

WHEREAS, the lease shall commence on February 1, 2007 for a five (5) year term with one (1) five (5) year renewal or extension option; and
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WHEREAS, upon final termination of the lease, whether for the original term or the extended term, Lessor shall pay to the Lessee for the approved improvements and additions, a sum equal to the original cost or the original value of the improvements and additions, whichever is less, when purchased or incorporated into the property, less depreciation calculated on a twenty (20) year straight line depreciation schedule; and

WHEREAS, the Lessee shall pay two hundred dollars (\$200.00) per month for rent payable monthly in advance on the first day of each month and the Lessee shall pay to Lessor five percent (5%) of Lessee's gross revenues, per month payable monthly, on or before the tenth (10th) day of each month for the previous month, if said amount is more than two hundred dollars (\$200.00); and

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor, Timothy M. Kant is hereby authorized to execute a lease agreement between the City of Fairhope and G. Carol Bramblett to lease that premises situated in Baldwin County, Alabama, commonly known as the "Fly Creek Fish Market".

ADOPTED this 8th day of January, 2006.

Timothy M. Kant, Mayor

ATTEST:

Geniece W. Johnson, City Clerk

Councilmember Christenberry made a motion to approve an application for a Restaurant Liquor License by Tamara Wintzell, dba Tamara's Bar and Grill, located at 210 Eastern Shore Center Highway 98, Fairhope, Alabama. Seconded by Councilmember Ford, motion passed unanimously by voice vote

Samuel Andrews a resident of 182 Hawthorne Circle, and the President of the Hawthorne Glenn Phase One Property Owners Associations addressed the City Council expressing concerns about having a psychiatric hospital built next to the Hawthorne Glenn Subdivision. Mr. Andrews requested that if the proposed psychiatric hospital is built the City should ensure the improvement of protection, property drainage, proper fencing, buffer, and traffic flow on Morphy Avenue.

Mr. Andrews further stated that all ordinances and codes regarding construction of this facility should be enforced, and that the residents of Hawthorne Glenn Subdivision Phase One are against the construction of this hospital.

Greg Mims, Planning Director explained the steps of the proposed psychiatric hospital and stated that this issue came before the Board of Adjustment and Appeals in December 2006. The item was tabled until January 16th.

Council President Gentle thanked Mr. Andrews for his concerns.
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Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to execute a Subgrant Award between the City of Fairhope and Alabama Department of Economic and Community Affairs (ADECA) for the construction of Trail at South Beach Park next to Municipal Pier – Total Cost \$100,000 the city's net cost will be \$20,000. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

RESOLUTION NO. 1341-07

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor Timothy M. Kant is hereby authorized to execute an agreement between the City of Fairhope and Alabama Department of Economic and Community Affairs, for the purpose of constructing a trail at the South Beach Park to tie into the Eastern Shore Trail. This project, Eastern Shore Trail (project number 07-RT-54-003), is funded by a grant in the amount of \$80,000.00. The City shall be responsible for a cash or in-kind match of \$20,000.00.

APPROVED THIS THE 8th DAY OF January, 2007.

Timothy M. Kant, Mayor

ATTEST:

Geniece W. Johnson, City Clerk

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Identification: **"Tennis Courts – Construction"**

Bids to be opened: **Dec. 18, 2006**

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

VENDOR:	BID PRICE:	ALTERNATE #1:	ALTERNATE #2:	CONSTRUCTION TIME COMPLETION:
Micor Inc. d/b/a MDS Construction Fairhope, AL	Base Tennis Court: \$59,585.00 With Cushion: \$96,813.00	\$17,679.00	\$20,165.00	Within 6-months
American Tennis Courts Mobile, AL	Base Tennis Court: \$65,343.00 With Cushion: \$113,295.00	\$19,124.00	\$21,664.00	Within 6-months
BALDWIN FENCE CO. Daphne, AL	NO BID	\$19,422.21	\$21,957.15	10-Days
Consolidated Fence Co. Daphne, AL	NO BID	\$23,000.00	\$27,000.00	30-Days
Mobile Fence Co. Mobile, AL	NO BID	NO BID	NO BID	

Bids were sent to:

Lower Brothers Co.
Birmingham, AL

Australian Courtworks, Inc.
Brandon, MS

Welch Tennis Courts, Inc.
Sun City, FL

There were no responses from any of the above companies.

It is recommended to accept the low bid of **Micor, Inc., Fairhope, AL** with all specifications being met.

Eddie Boyett,
Fairhope Recreation Dept.

Wayne Smith,
Purchasing Agent

Councilmember Quinn moved to accept the bid with cushion of Micor Inc. d/b/a MDS Construction, Fairhope, Alabama, provided all specifications are met, for the construction of the new tennis courts at Stimpson Field, located on Morphy Avenue. Seconded by Councilmember Ford, motion passed unanimously by voice vote. This project will be funded by a 2007 General Obligation Warrant.

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Identification: **"BACK HOE-ELECT DEPT"**

Bids to be opened: **Dec. 27, 2006**

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

Back Hoe – Fairhope Electric Utilities

VENDOR:	MANUFACTURER:	MODEL:	PRICE:	DELIVERY TIME:
Thompson Tractor Co., Spanish Fort, AL	Caterpillar	420E	\$77,629.00	4-Days
Beard Equipment Co., Mobile, AL	*SPECIFICATIONS NOT MET	John Deere 310G	\$77,500.00	60-90 Days
Vermeer of Alabama, Mobile, AL	NO BID			
Dutchman's Lawn & Garden, Foley, AL	NO RESPONSE			
Toomey Equipment Co., Theodore, AL	NO RESPONSE			
Tieco Turf & Industrial Equip., Mobile, AL	NO RESPONSE			
Tombigbee Equipment, LLC, Demopolis, AL	NO RESPONSE			
Baldwin Tractor & Equipment, Robertsdale, AL	NO RESPONSE			

It is recommended to accept the bid from **Thompson Tractor Company, Spanish Fort, Alabama**. Thompson Tractor Company has met all Specifications.

Aaron Norris,
Electrical Department

Wayne Smith,
Purchasing Dept.

*Beard Equipment did not meet specification for the following:

- Page 2: Wheelbase is 82.7 inches.
- Page 3: Suction type cooling fan 90 Amp Alternator
- Page 4: No glow plug, ether starting aid.
- Page 5: 277 ft Lbs.
- Page 6: John Deere manufactures backhoes and engines - ZF manufactures John Deere Transmissions. Not applicable on transmission lock. Stall ratio specs not available.
- Page 7: 20.5 MPH; 4 gears forward; 3 gears reverse. Power shift transmission with electric over hydraulic shifting. Oscillation specs not available. Steering cylinder specs not available.
- Page 8: Brakes do not apply on all 4wd when machine is in 2wd mode. Parking and secondary brakes are independent of service brake system, but are self-adjusting and therefore have no need to be adjusted from the cab.
- Page 9: 37GPM
- Page 11: Static load specs not available for front or rear.
- Page 13: Pedal is located on console.
- Page 15: Not applicable on hour meter.
- Page 16: No overhead stowage of rear windows. One window on each side of cab.

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Page 17: 11'3" loading height. 190 degrees.
 Page 18: Not thumb ready. Not self-lubricating, no shimmming.
 Page 21: Not applicable on loader arm divergence.
 Page 22: Spec needed cannot be determined from the bid.
 Page 23: 4.9 seconds. No stabilizer lock valves.
 Page 24: Water separator is under the hood.

Councilmember Quinn moved to accept the bid of Thompson Tractor Company, Spanish Fort, Alabama, provided all specifications are met, for a 420E backhoe. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote. This purchase will be funded by the Electric Operation fund.

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

Councilmember Ford moved to add the following item to the printed agenda. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the reimbursement of expenditures for the New Recreation Project with 2007 General Obligation Warrant Bond Issue. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

RESOLUTION NO. 1342-07

WHEREAS, the City of Fairhope is hereby considering taking a General Obligation Warrant Bond Issues for certain recreational projects.

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:

- New Tennis Facility to relocate to Stimpson Field -----\$500,000.
Six (6) new courts, additional fencing and lights, refurbish existing restrooms and convert to Clubhouse, parking, add various court items and equipment, sidewalks, etc.
- New Youth Football and Cheerleading facility-----\$1,000,000
Various playing fields and practice fields with restrooms and concession, parking, bleachers, etc.
- Additional outdoor swimming pool at Volanta ----- \$350,000.
- Recreation Center added to existing pool and Gym at Volanta-----\$2,275,000
Additional gym with walking tack, fitness center, racquetball courts, restrooms, meeting rooms, etc 17,000 sq. ft @ \$125 = \$2,125,000 plus additional parking and walkways

Projected total \$ 4,125,000.

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

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant is hereby authorized to reimburse the City from cash expended for the New Recreation Project with Bond Issue Monies of 2007.

DULY ADOPTED THIS 8TH DAY OF January, 2007.

Timothy M. Kant, Mayor

Attest:

Geniece W. Johnson, City Clerk

Councilmember Quinn inquired if the skateboard park will be a part of the Recreation project? Mayor Kant stated that bids for the skate park will be sent out and once the bids are opened the numbers will be reviewed.

Frank Leatherbury addressed the City Council expressing that he did not know that the residents of Hawthorne Glenn were against the proposed psychiatric hospital. Mr. Leatherbury further stated that this project could be moved to Foley.

There being no further business to come before the City Council the meeting was duly adjourned at 6:41 p.m.

Robert C. Gentle, Council President

Geniece W. Johnson, City Clerk