

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, 9 July 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 Rev. Joe Bullington from Fairhope United Methodist Church, gave the invocation. Councilmember Stankoski moved to approve minutes of the 25 June 2007, regular meeting. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Mayor's Comments and Staff Reports

- Mayor Kant thanked the staff for a beautiful 4th of July Celebration.
- The Police Chief is completing a background check on the employees working on a project at the Fairhope High School. A full report will be given later.
- Mayor Kant stated that each utility would give a report of their needs to the City Council.

Council President Gentle inquired how much the Fire Works cost. Mayor Kant stated \$7,450.00.

Councilmember Quinn moved for final Adoption of Ordinance No. 1334 an ordinance amending the Zoning Ordinance 1253, addressing the storage and parking of trailers and commercial vehicles. The new verbiage for the amendment is as follows: (Introduced at the June 25, 2007 meeting)

Section D. Special Conditions for Uses

7. Storage and Parking of Trailers and Commercial Vehicles

- C. Site Requirements – Number 2: No travel trailer, hauling trailer, utility trailer, boat, or boat trailer, motor home or commercial vehicle shall be parked or stored in the front yard, or on corner lots, in a side yard abutting a public right-of-way or upon the right-of-way. **The length of said vehicle shall not exceed twenty-eight feet (28').**
- C. Site Requirements – Number 3: **These vehicles shall be allowed in a side yard only if the rear yard cannot be reasonable accessed. Topographical features, the existence of mature trees or the existence of properly permitted and constructed structures which prevent rear yard parking is sufficient to establish a lack of rear yard access. If parked in the rear yard, a pervious pad and access strip shall be provided.**

All vehicles covered by this section shall have a minimum side and rear setback of six feet (6'). No vehicle covered in this section shall be located in a side yard containing a driveway.

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Councilmember Christenberry seconded the motion for final adoption, motion for final adoption passed unanimously by the following votes: AYE-Quinn, Stankoski, Christenberry, Ford, and Gentle. NAY-none.

Councilmember Quinn moved for final adoption of Ordinance No. 1335, an ordinance Repealing Ordinance No. 1267, False Alarm Ordinance (Introduced at the June 25, 2007 meeting). Seconded by Councilmember Stankoski, motion for final adoption passed unanimously by the following votes: AYE-Quinn, Stankoski, Christenberry, Ford, and Gentle. NAY-none.

Councilmember Christenberry introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to execute an agreement between the City of Fairhope and Volkert & Associates, Inc. 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) in the approximate amount of \$68,640.00. Before any other approval on this project, a work session will be held and final drawing must be presented. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

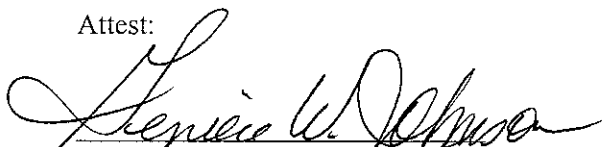
RESOLUTION NO. 1391-07

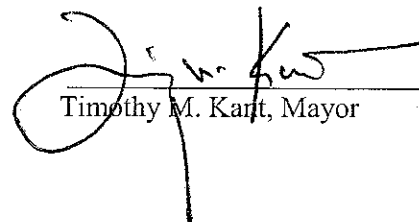
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA, that Mayor Timothy M. Kant, is hereby authorized to execute an agreement between the City of Fairhope, Volkert, and Associates, Inc. to develop construction plans for pedestrian friendly improvements to Greeno Road, Hwy 98, from Highway 104 South to County Road 44 (approximately 3.0 miles). The total cost of Task Agreement No. 2 shall be approximately \$68,480.00 in accordance with the following schedule:

Engineering Services	\$35,808.00
Environmental	\$ 1,500.00
Design Phase	\$ 2,000.00
Construction Phase	\$ 2,000.00
Construction Observation	\$27,172.00

Adopted this 9th Day of July, 2007.

Attest:


Geniece W. Johnson, City Clerk


Timothy M. Kant, Mayor

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Gregg Mims City Planner addressed the City Council to explain the Site Plan Review of property owned by Thomas Hospital. Located at the southwest corner of Morphy Avenue and Hospital Drive, Fairhope, Alabama for a proposed new north tower addition for Thomas Hospital

STAFF INTERPRETATION:

Scott Hutchinson of HMR, LLC is representing Thomas Hospital in this request. The property is zoned B-2 (General Business) and the total site area is approximately 19.34± acres. The proposed north tower addition has a building footprint of 40,252 square feet. The proposed building is four stories with a building height of approximately 50 feet. An elevator/equipment enclosure is located on top of the structure.

The total site area for re-development is approximately two (2) acres. Buildings and parking lots currently occupy the north tower site. Impervious coverage for the site will decrease from 74,747 square feet to 69,520 square feet as a result of the addition.

The first floor of the addition will consist of offices and medical examination rooms. The second and third floors will have patient rooms. The fourth floor will be "shelled out" for future use. Thomas Hospital currently has 129 rooms under use. The north tower addition will contribute to a total of 150 private patient rooms.

The 162 parking spaces lost as a result of the new addition will be replaced by a new parking lot containing approximately 240 spaces.

Landscaping: Per the City Horticulturalist, the applicant will screen all parking areas along Morphy Avenue with plant materials and plant approximately thirteen (13) trees along Ingleside. The City's Tree (Landscape) Ordinance requires one (1) tree every 12 parking spaces in the parking lot.

Architecture: Architectural elevations have been provided; the building is in character with the existing hospital architecture.

Building Height: The proposed addition exceeds the thirty-foot (30') maximum allowed building height for the B-2 zoning district. As mentioned above, fifty feet (50') is proposed. Due to the fact that the building elevations are in keeping with the current heights and elevations of the hospital, staff is not opposed to the proposed building height for the project.

PLANNING COMMISSION RECOMMENDATION:

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

1. The applicant shall work with the City Horticulturalist in planting approximately thirteen (13) trees along Ingleside Avenue.
2. The applicant shall screen all parking areas along Morphy Avenue.
3. The applicant shall plant one (1) tree for every twelve (12) parking spaces shown on the landscape plan. A landscape island shall be incorporated into the new parking area.

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CONTINGENCIES:

The applicant has submitted revised drawings reflecting the completion of all contingency items listed above. The City Horticulturalist (Jennifer Fidler) informed staff that all contingency items have been satisfactorily completed.

Respectfully Submitted for Consideration,

Jonathan I. Smith
Planner
City of Fairhope

B. Gregg Mims
Planning Director
City of Fairhope

Councilmember Stankoski moved to approve the Site Plan property owned, by Thomas Hospital listed above. Seconded by Councilmember Ford, motion passed by the following votes: AYE-Stankoski, Christenberry, Ford, and Gentle. NAY-None. ABSTAIN-Quinn.

Gregg Mims City Planner addressed the City Council to explain the Site Plan Review of property owned by Bancorp South. Located at 101 Rock Creek Parkway, Fairhope, Alabama for a proposed bank building.

STAFF INTERPRETATION:

Scott Hutchinson of HMR, LLC is representing Bancorp South in this request. The property is zoned PUD (Planned Unit Development) and the total site area is approximately 5.27± acres. The parcel is labeled as Lot 177C in the Rock Creek PUD and banking is the proposed use for the site.

The proposed building has a footprint of 4,862 square feet. The proposed building height is approximately twenty-eight feet (28'). Impervious site coverage totals at approximately eighteen percent (18%) and thirty-three (33) parking spaces are proposed.

At the time of subdivision approval, the developer of the subject property was required to install a left turn lane off of Rock Creek Parkway. Per the Authorized Agent's comments, the turn lane was constructed in 2001.

PLANNING COMMISSION RECOMMENDATION:

To approve the Bancorp South Site Plan contingent upon the following conditions required by Ordinance No. 1116:

1. A ten foot (10') wide non-vehicular access easement shall be provided to the property zoned R3-PGH to the north of lot 177C.
2. Impervious landscaping shall be provided along the entire frontage of US Highway 98 and Rock Creek Parkway. The City Horticulturalist shall approve the landscape plan.

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CONTINGENCIES:

On June 22, 2007 staff received revised plans. The City Horticulturalist approved the impervious buffer along Rock Creek Parkway and Highway 98. The Site Plan has been revised to show a ten foot (10') wide non-vehicular access easement to the property zoned R3-PGH to the north.

The site plan is in compliance with the Rock Creek PUD requirements specific to the subject parcel.

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 Bancorp South listed above.

Councilmember Quinn inquired if more pervious surfaces could be used on this site. Steve Delahunty with Hutchinson Moore & Rauch, LLC stated that they would look into some alternative surfaces. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Councilmember Quinn moved to make the following appointments to the Library Board: Re-appoint Justin Robertson, Sherilyn McNally, and Martin Lanaux for a four-year term. This term will end July 2011. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Council President Gentle announced that Short-term Rentals would not be voted on tonight.

Mr. Jim Bowers addressed the City Council requesting to place an Ice Machine at City Dock and Mobile Concession at Municipal Pier. Mr. Bowers expressed that he would like to lease the Fish Market Building. City Attorney Marion E. Wynne stated that a lease agreement is being worked on currently with a potential lessee. Mr. Bowers does not have a mobile unit at this time, and does not know exactly what products would be sold. Councilmember Christenberry expressed that this request maybe a little premature. This item was tabled until additional information could be provided.

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Claude Daniel addressed the City Council requesting permission to operate a lemonade stand on the grassy area at the Municipal Pier on the weekends. Mr. Daniel expressed that his Lemonade stand will be 8 ft wide, 3ft in depth, and 6ft tall. The stand will be opened from 12:00 noon to 11:00 pm, and taken back to Mr. Daniel's home each night and not left at the pier. The stand will be setup on the grassy area to the left of the pier.

Councilmember Ford inquired how many request are we going to have, and a limit should be placed or the number of stands allowed to operate at the pier.

Mr. Daniel stated that he would only be in operation during the warm months, July, August and September.

Councilmember Quinn suggested setting up a committee to look into the future approvals of operating a stand at the Fairhope Municipal Pier. Councilmember Stankoski stated that the number that he would allow would be zero. Council President Gentle agreed. After further discussion, Councilmember Quinn moved to grant the request. Seconded by Councilmember Ford, motion passed by the following votes: AYE-Quinn, Christenberry, and Ford. NAY-Stankoski and Gentle.

Councilmember Quinn moved to deny the request of Dennis Street to provide Fairhope Excursions Rental business at the Pier Street Boat Ramp. Mayor Kant stated that the City is not allowed to rent the Pier Street Boat Ramp due to an agreement between the City and Alabama Water Conservation Services. Councilmember Christenberry seconded the motion to deny the request, motion passed unanimously by voice vote.

Councilmember Ford addressed the City Council with concerns allowing connectivity to Quail Creek Subdivision. Councilmember Ford further stated that he and Mayor Kant voted against the connectivity to Quail Creek Subdivision during the Planning and Zoning meeting on Monday, July 2, 2007. Mr. Ford stated that this was not a political vote.

Councilmember Ford pointed out several subdivisions that the through streets were not developed or turned into a pedestrian way only. Councilmember Ford stated that we are looking at the Comprehensive Plan as the 10 Commandments. The Comprehensive Plan needs to be looked at concerning the connectivity. Councilmember Ford further stated that we have been talking about protecting our neighborhoods. Therefore, we need to understand that the Comprehensive Plan is not carved in stone; it's to be used as a guide.

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Gregg Mims explained that if the Planning and Zoning Commission make changes on the cut-through within Subdivisions, the Comprehensive Plan would have to be changed. However, the Planning and Zoning Commission and City Council adopted the Comprehensive Plan unanimously.

Gregg Mims also explained that he thought County Road 44 will be a must have road in the future. Mr. Mims also explained that the City may have concerns of going through Quail Creek, but this is not a catastrophic problem. Connectivity is the trend. People will have an alternative to get out of their subdivision.

Mr. Mims stated that if there was a problem with the Comprehensive Plan, we would have to go back through the process to have the Comprehensive Plan changed. Now when staff reviews the application and the subdivision regulations are met, we are required to approve the application.

Councilmember Quinn stated that during the public meetings prior to passing the Comprehensive Plan there was an overwhelmingly support for connectivity.

Dick Charles, vice president of the Planning and Zoning Commission addressed the City Council expressing that connectivity is right for emergencies reasons, and people need it.

Councilmember Christenberry moved to approve change order request number one for American Asphalt, Inc. at the Stimpson Tennis Complex, Fairhope, Alabama, for various removal of old asphalt increasing the contract by \$750.00. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

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TABULATION / RECOMENDATION

*Identification: "POTTING SOIL"*Bids open on: June 26, 2007
at: 11:00 a.m.

Annual Potting Soil Bid for Public Works Dept.

VENDOR:	PRICE PER 50 LB. BAG M360 MIX	PRICE PER 50 LB. BAG M366 MIX	PRICE PER 50 LB. BAG M380 MIX	DELIVERY:
BWI Daphne, AL	\$8.93	\$8.86	\$8.19	7-Days
CASSCO Montgomery, AL	(BID INCOMPLETE)			

It is recommended to accept the bid of **BWI DISTRIBUTORS, Daphne, AL** with all Specifications being met.

Jennifer Fidler,
Director of Public Works

Wayne Smith,
Purchasing Agent

Councilmember Stankoski moved to accept the low bid of BWI Distributors, Daphne, Alabama, provided all specifications are met, for annual potting soil. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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

Councilmember Quinn moved to address the following item Not on the printed agenda. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Councilmember Ford introduced in writing and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to execute an agreement between the City of Fairhope and Fairhope Single Tax Corporation for the expenditure \$700,000 for the New Fairhope Historical Museum. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

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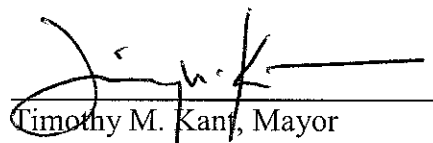
RESOLUTION NO. 1392-07

Whereas, pursuant to Section 28 of Title 11, Chapter 47 of the Code of Alabama, 1975, the City of Fairhope is hereby authorized to contract with other persons or entities for the provision of museums. The City of Fairhope and Fairhope Single Tax Corporation both desire to development and operate the Fairhope Historical Museum upon land now owned by FSTC.

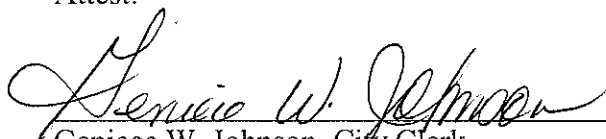
Whereas, pursuant to Ordinance No. 1274 adopted on November 14, 2005 the City Council of the City of Fairhope authorized the conveyance of the subject property to FSTC, for development as a history museum and in contemplation of its reconveyance to the City. The land as described in the 2005 Ordinance is referred to herein the "Museum Property".

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE that Mayor, Timothy M. Kant is authorized to execute an agreement between the City of Fairhope and Fairhope Single Tax Corporation for the development of the New Fairhope Historical Museum.

Adopted this 09TH day of July 2007.


 Timothy M. Kant, Mayor

Attest:


 Geniece W. Johnson, City Clerk

Vince Valentim addressed the City Council expressing that two following items amending Zoning Ordinance 1253 should have been on the agenda for a vote tonight:

1. Storage and Parking of Trailers and Commercial Vehicles
2. Short-term Rentals

Mr. Valentim inquired what secret meeting was held to decide not to put these items on the agenda.

Council President Gentle stated the following reasons for not placing these items on the agenda.

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1. Three Councilmembers were not ready to vote on the items as presented.
2. The Council wanted to know the law
3. The Council wanted to know what other ordinances were on the books addressing these issues.
4. Some Councilmembers think that 30 days for short-term Rentals is not long enough,

Mr. Valentim stated that this was not kosher.

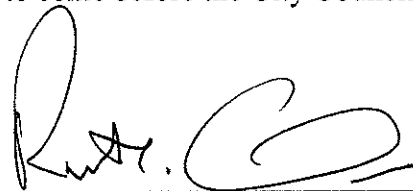
Hop Allen addressed the City Council expressing that the City Council should protect the neighborhoods of Fairhope and not allow short-term rentals.

Ken Lundberg 19142 Quail Creek Drive expressed that over 300 people have signed a petition against connectivity. (The City Clerk has not received a copy of said petition).

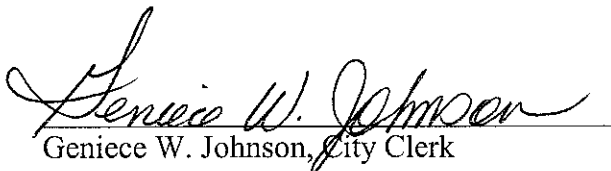
Council President Gentle announced that at the request of City Attorney, Marion E. Wynne the City Council would rise from this meeting to go into Executive Session to discuss the settlement of pending litigation. The approximate time to be in Executive Session is 30 minutes.

Councilmember Quinn moved to go into Executive Session. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

There being no further business to come before the City Council the meeting was duly adjourned at 7:55 p.m.



Robert C. Gentle, Council President



Geniece W. Johnson, City Clerk