

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, 14 May 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 Dr. Tim Patrick, Pastor of Faith Baptist Church, gave the invocation. Councilmember Christenberry moved to approve minutes of the 26 April 2007, regular meeting. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Mayor's Comments and Staff Reports:

- Rose Fogarty and Nancy Wilson Accounting Department presented the following power point presentation no action was taken:

14 May 2007

CITY OF FAIRHOPE
CITY COUNCIL MEETING
MAY 24, 2007

SUMMARY
FINANCIAL REPORTS
SIX MONTHS ENDED
3/31/2007

Slide 1

GENERAL FUND

	6 MONTHS ENDED 3/31/07	6 MONTHS ENDED 3/31/06	INCREASE (DECREASE)
REVENUES (INCLUDING UTILITY TRANSFERS)	10,373,041	9,002,354	1,370,687
EXPENSES	9,124,301	8,493,714	630,587
EXCESS REVENUE OVER (UNDER) EXPENSE	1,248,740		

Slide 2

GAS FUND

	6 MONTHS ENDED 3/31/07	6 MONTHS ENDED 3/31/06	INCREASE (DECREASE)
REVENUES	4,831,746	4,884,599	(52,853)
COST OF ENERGY	2,487,355	3,180,975	(713,620)
EXPENSES - INCLUDING TRANSFERS	1,430,335	1,425,555	13,780
TOTAL COST/EXPENSE	3,906,690	4,606,530	
EARNINGS (LOSS)	925,056		

Slide 3

ELECTRIC FUND

	6 MONTHS ENDED 3/31/07	6 MONTHS ENDED 3/31/06	INCREASE (DECREASE)
REVENUES	7,081,496	6,455,386	1,226,110
COST OF ENERGY	3,827,198	3,480,246	146,952
EXPENSES - INCLUDING TRANSFERS	2,493,873	2,356,451	47,422
TOTAL COST/EXPENSE	6,031,071	5,836,697	
EARNINGS (LOSS)	1,650,425		

Slide 4

WATER/SEWER FUND

	6 MONTHS ENDED 3/31/07	6 MONTHS ENDED 3/31/06	INCREASE (DECREASE)
REVENUES	4,000,990	3,738,027	262,972
COST OF ENERGY	297,082	230,876	66,206
EXPENSES - INCLUDING TRANSFERS	3,430,017	3,113,310	316,707
TOTAL COST/EXPENSE	3,727,099	3,344,186	
EARNINGS (LOSS)	273,900		

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GOLF FUND

	6 MONTHS ENDED 3/31/07	6 MONTHS ENDED 3/31/06	INCREASE (DECREASE)
REVENUES	702,289	729,483	(27,194)
EXPENSES	744,385	732,034	12,351
EARNINGS (LOSS)	(42,096)		

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ALL FUNDS

	6 MONTHS ENDED 3/31/07	6 MONTHS ENDED 3/31/06	INCREASE (DECREASE)
REVENUES	27,595,571	24,800,849	2,795,722
EXPENSES	23,533,546	23,013,161	520,385
EXCESS REVENUE OVER (UNDER) EXPENSE	4,062,025		

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**CASH BALANCE COMPARISON
AT MARCH 31, 2007**

	CURRENT 3/31/07	PRIOR MONTH 2/28/2007	PRIOR YEAR 3/31/06
GENERAL FUND	2,822,228	3,230,167	3,588,649
GAS FUND	692,439	931,077	497,736
ELECTRIC FUND	2,547,039	2,647,427	2,830,278
WATER FUND	4,417,555	4,398,458	4,798,261
GOLF FUND	146,842	138,493	376,956
GAS TAX FUND	298,307	293,078	270,525
CAPITAL PROJECTS (INCLUDES LIBRARY PROJECT ACCOUNT)	287,690	193,052	183,350
TOTAL - ALL FUNDS	11,212,011	11,831,742	12,625,755
SINKING FUNDS	1,797,415	1,668,964	1,787,400
WARRANT FUNDS	673,642	670,246	1,166,521
TOTAL - EXCLUDING SINKING/WARRANTS	8,740,954	9,492,932	9,671,534

FEMA REIMBURSEMENTS EXPECTED FOR PIER REPAIRS: \$940,791
75% OF NRCS EXPENDITURES-YTD @ 3/31/2007: \$567,231

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- Mayor Kant expressed that he wish the City Council would move forward on the Impact Fee Ordinance tonight.
- Mayor Kant expressed that the Library Board is asking for a modest increase of \$10,000.00.
- Gregg Mims, City Planner addressed the City Council requesting the consideration of a moratorium resolution to stop issuing permits for any project that proposes more than one structure on a lot and/or parcel within the permitting jurisdiction for a period of thirty (30) days.
- Mr. Mims also stated that he would report on short-term rental at the next regular City Council meeting.
- Council President Gentle took the time to address the citizen's concerns of the modular building development for the Grand Hotel next to the Fairhope High School.

Ray Hicks the lead owner and developer of the development on U.S. Highway 98 (Greeno Road) pertaining the to Grand Hotel. Mr. Hicks read the following letter.

14 May 2007



05-10-07P05:22 RCV9

May 10, 2007

VIA HAND DELIVERY
 Fairhope City Council
 161 North Section Street
 Fairhope, Alabama 36532

Re: Lone Oak Properties Development; Greeno Road

To Whom It May Concern:

in response to the recent requests that we have received from the City Council and some concerned citizens, we have prepared the following to educate the concerned members of the community about our new development and our exclusive tenant.

As you are no doubt aware, The Retirement Systems of Alabama, is a huge investor in Baldwin and Mobile Counties and I've always found them to be extremely responsible corporate citizens. The Retirement Systems' subsidiary company, PCH Hotels & Resorts, the managing entity of the Grand Hotel and numerous other resort properties throughout our area and state, has an obligation to make sure that The Grand Hotel is staffed with the highest quality employees available and to ensure that the guest experience in our area, and while at *The Grand*, is second-to-none. Our development company, Lone Oak Properties, LLC, has leased the entire development to PCH as the exclusive tenant and they are going to use this property to house temporary staff for the Grand Hotel.

It is my understanding that Marriott's Grand Hotel and numerous other national hotels are experiencing enormous problems in hiring and retaining qualified employees to run their hotels and restaurants. The practice of bringing in foreign workers and college interns is nothing new in this country, though it is somewhat novel in our area. In our lease negotiations with PCH we have been assured that the people who come here to work for the hotel have been personally interviewed, screened, drug tested, approved by Immigration and Naturalization Services, Homeland Security, and come here for a limited time on a valid *H2B* work visa. Most, if not all of them, are college educated and all are proficient in English, or they are not hired.

Further, their occupancy status is contingent on them continuing to be employees in good standing with the hotel and RSA. This has not been a problem at any of the RSA properties in other areas of the state and I would expect the same in our community. RSA has used this type employment program successfully in the past and the results has been exemplary. Also, I have been informed that few, if any, of the temporary

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employees will have vehicles. Instead they will they will be transported to and from work at no cost to the county, so there should be minimal traffic and transportation issues.

As any other tenant or individual in Baldwin County who leases an apartment, PCH is bound through the terms and conditions of the lease from engaging in any illegal activities and/or causing a nuisance and any such acts by the inhabitants would constitute a breach of the lease terms and conditions. PCH is making a substantial commitment to this project and will maintain the property in a manner higher than what is expected under any normal landlord/tenant relationship. We feel that through the processes that are undertaken to screen these individuals both before employment and during employment we are getting the most scrutinized residents of any location in our city and have leased this development to RSA as a direct result of this security provision. We have been assured that there is a zero tolerance policy for any illegal or questionable behavior and any employees housed in this location will be terminated and their H2B sponsored work visas will be revoked.

Baldwin County, unfortunately, has more than it's share of illegal aliens who quite often are associated with drug trafficking and other criminal activities. To us it is much better to fill temporary manpower shortages with legal, screened, and government approved immigrants (over whom RSA has incredible control and authority), than the alternative; illegals.

As a property owner and landlord in our community we are confident that we are setting the standard for preemptive screening of any resident. We have made a multi-million dollar investment in this development and as such have placed the highest quality tenant available into this property. With each step that we have taken to protect our substantial investment, we have also ensured that this will be a positive development for our city.

We have been open and completely transparent with this development from the day we first met with the building department officials and the city council. In fact, our site plans and renderings were submitted to the council prior to the city enacting a moratorium on certain types of construction in the Greeno Road area. We were officially permitted by the city of Fairhope and the State of Alabama to construct this development. We have built to the 2006 International Building Codes and feel that the architectural qualities of this development are consistent with the Fairhope ideals and surpass any other similar development in our community. We are now complete with the substantive construction of this project and are pleased with the result.

As citizens of this community, we felt that we should take time to further educate the concerned members of the council and community about our tenant. However, we would also add that as a landlord, and as a community, we are strictly prohibited under the Fair Housing Act, the Contract Clause of the United States Constitution, the Civil Rights Act of 1968, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution from discriminating against any individuals on the basis of their race, religion, or national origin. Any unfounded speculation as to the predisposition of individuals not from this country to be pedophiles, criminals, and/or menaces to our society should not be tolerated in our community and certainly should not be condoned or precipitated by our community leaders.

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We hope this addressed some of your concerns, but should you have any additional questions, please feel free to contact us.

On Behalf of;
Lone Oak Properties, LLC.



Haymes S. Snedeker



H. Ray Hicks, Jr.

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Mr. Hicks apologize to the Mayor and City Council for having this project to cause confusion. Mr. Hicks expressed that this project process was in good faith and all the regulations required by the City were followed. Mr. Hicks introduced and allowed two of the international workers to speak.

A. J. Cooper addressed the City Council stating that is was insulting to our citizens. The Grand Hotel was found and ran by people from Baldwin County. Mr. Cooper stated that maybe the best site for this development is on RSA land near the Grand Hotel.

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Mr. Cooper stated that we have a responsibility to our students, and requested that the moratorium on modular buildings be enforced. Mr. Cooper stated that throughout the letter read by Mr. Hick there is mention of the developers meeting with the City Council, but there is no mention of these meetings within the minutes.

Lots of people that worked at the Grand Hotel before Hurricane Katrina; however, after the renovation of the Grand Hotel those people were not invited back.

Mr. Cooper stated that each Councilmember and Mayor are elected to represent all the citizens; therefore, the City leaders have a responsibility to share information with the citizens. Mr. Cooper further stated that this is not about somebody doing anything under the table. The City business should be transparent.

Mr. Hicks corrected Mr. Cooper with regards to the modular building moratorium. The modular building moratorium was not in effect when the permit for this development was pulled.

Councilmember Ford inquired of the Chief of Police, Mike Comalander had any problems been reported with the workers of this development. Chief Comalander stated that only one complaint with regards to traffic on Pirate Drive was reported, but not other complaints had been reported.

Mr. Mims explained that a 90-day modular building moratorium was passed by the City Council on January 22, 2007, and two projects were already permitted; thereby, these projects was not being effective by the moratorium. The Grand Hotel project is one of the two projects that were already permitted prior to the passing of the modular building moratorium.

Mr. Mims also explained that State law allows for modular building, and the City can only inspect the outside of the buildings. Not a single city within Alabama has zoning requirements on modular buildings outside of their City limits. The City cannot inspect the inside of these buildings. The buildings themselves are built to exceed the building requirements with regards to wind.

Mr. Mims stated that the City Council nor the Planning and Zoning ever ask the question who you are going to put in the apartment buildings, and the City Attorney, Marion E. Wynne expressed that no this question should not be asked.

Within the permit jurisdiction there are basic things that can be asked by the building department. The basic things are traffic issues, drainage issues and building heights. The usage of the property is not one of those basic things. The City has a lot more latitude on developments within the city limits, but not those developments outside the city limits.

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Councilmember Stankoski stated that he did not recall any discussions with the developers on this project as to the usage of this property. The only discussion recalled is regarding if the modular building moratorium, and if the moratorium would effect this development or not.

Council President Gentle invited David Clark and Keith Smith, General Manager and Personnel Officer respectfully with the Grand Hotel. Mr. Clark stated that an 8-foot fence would be erected around portions of this property to prevent cut thought to the Fairhope High School.

Councilmember Ford inquired if the Grand Hotel advertised their job opening after the renovation was completed. Mr. Clark stated that approximately \$10,000 was spent on advertisement. Mr. Clark further pointed out that the demographics of Baldwin County have changed from the beginning of the Grand Hotel. There are more opportunities for our students to work at the Tanger Mall in Foley, the Daphne Mall and the Eastern Shore Mall offers new opportunities for our students. However, if our student apply and qualify for jobs at the Grand Hotel they will be hired.

Keith Smith stated that the program of using international students started in 2002. This is not a new concept of the Grand Hotel or throughout Baldwin County. These international people has been in our communities for the last 5-years.

Bob Cole a resident of Southland Place Subdivision inquired why the residents were not notified by the City of this development. Mayor Kant explained that this development is outside the city limits. Mayor Kant also pointed out that the 10 acres property in front of Southland Place Subdivision might be developed.

John Shacks addressed the City Council inquiring if anyone talked with the Principal at the High School. Mr. Smith stated that the Grand Hotel looked at many properties within 5 miles of the Grand Hotel and this is how the property was selected.

Council President Gentle explained again that this property is in the County. The City Council did not vote on this project. The only thing that the City can do is issue a building permit.

Mr. Hicks stated that Dr. Thomas with the Board of Education declined to talk with the developers. Calls were made to Dr. Hollinger's office. There has been some dialog with the School Board. Council President Gentle suggested that the developers meet with their neighbors and report back to the City Council.

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Councilmember Quinn stated that we have no control over this project, but we can control our Police and Fire Services.

A recess was called at 6:34 p.m. The regular Council meeting resumed at 6:41 p.m.

A Public Hearing was held as advertised on a proposed ordinance to amend the Zoning Ordinance No. 1253. Councilmember Quinn introduced in writing an ordinance to rezone the property Wallace E. Smith from R-1 Low Density Single Family Residential District to B-1 Local Shopping District. This property is located at 211 South Section Street, Fairhope, Alabama. The Planning & Zoning Commission recommended denial of this ordinance.

The proposed ordinance was explained by Jonathan Smith:

CITY OF FAIRHOPE
CITY COUNCIL COVER SHEET
MAY 14
April 03, 2007

ZC 07-02 Request to consider the application of Danny Smith for re-zoning of R-4 (Low Density Multi-Family Residential) to B-1 (Local Shopping District). The property is located on the east side of Section Street, just south of Fels Avenue where Gaston Avenue meets Section Street.

STAFF INTERPRETATION:

Application History: The subject property is labeled on the City of Fairhope Zoning Map as R-4 (Low Density Multi-Family Residential), yet the applicant stated Christopher Baker mailed him a letter in 2004 stating the property is zoned B-1 (Local Shopping District). The applicant could not produce a copy of the letter. Staff researched the property extensively with the City Clerk (Genece Johnson) and could not find an ordinance establishing zoning for the parcel; therefore the planning staff and City Clerk take the position that the property is zoned R-1 (Low Density Single Family Residential). R-1 is the base zoning designation for land that is annexed into the City of Fairhope.

The property is approximately 17,424 square feet in area. The applicant is requesting B-1 zoning. The proposed use of the existing historic home on the site is for a furniture sales and consignment store.

Directly west and south of the site lies R-2 (Medium Density Single Family Residential) property. East are R-3TH (High Density Single Family Townhouse Residential District) and R-2 properties, and North lies land zoned B-1.

The issues associated with this request are as follows:

Comprehensive Plan: The Comprehensive Plan calls for a community design concept that encourages the Central Business District (CBD) to be the City's "Village Center". Village Centers are "strategic and concentrated activity centers located in the generally radial market area that supports it".

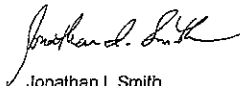
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The subject property is outside the CBD, in an area predominately surrounded by residential zoning. Staff feels that zoning the subject property commercial will negatively impact the Central Business District by diluting the "concentrated activity" in the center of town.

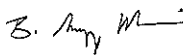
PLANNING COMMISSION RECOMMENDATION:

On April 02, 2007 with a six (6) to two (2) vote, the Planning Commission recommended the City Council deny the re-zoning request based on the request not contributing to the goals and intent of the City of Fairhope Comprehensive Plan.

Respectfully Submitted for Consideration,



Jonathan I. Smith
Planner
City of Fairhope



B. Gregg Mims
Planning Director
City of Fairhope

Danny Smith the property owner addressed the City Council to explain that he purchased the property located at 211 South Section Street in 2004, and considerable improvements have been made to the property.

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Mr. Smith explained that he received a letter from Christopher Baker former City Planner stating that the property was zoned B-4. Mr. Smith has been told that the property was zoning several other zonings. Upon extensive research by the Emily Irby and Geniece W. Johnson, City Clerk no ordinance were found to support any of the zoning told or put in writing to Mr. Smith; thereby, making the zoning R-1.

Mr. Smith is currently operating his antiques business on Del a Mare until the zoning of the property at 211 South Section Street is resolved.

Council President Gentle opened the Public Hearing at 6:55 p.m.

- Steve Thompson a resident of 318 Nichols Street addressed the City Council expressing that Mr. Smith is not adjacent to any R-1 properties. He said that Mr. Smith is in a business district.

Council President Gentle closed the Public Hearing at 6:59 p.m.

Councilmember Quinn stated that upon attending lots of meeting pertaining to the Comprehensive Plan the citizens main concerns were not have commercial invading the residential areas.

Council President Gentle echoed Councilmember Quinn's statement, and asked if the Board of Adjustment and Appeals would better serve this issue?

Gregg Mims explained that this is an unusual circumstance; however, the first step was to bring this issue before the Planning and Zoning Commission and then bring it before the City Council and next would be to go before the Board of Adjustments and Appeals.

Councilmember Ford inquired about a variance. A variance would run with the property and could not be used as a strip mall.

After further discussion, In order to take immediate action, Councilmember Quinn moved for immediate consideration. Seconded by Councilmember Ford, motion passed for immediate consideration passed unanimously by the following votes: AYE-Quinn, Stankoski, Christenberry, Ford and Gentle. NAY-none.

Councilmember Quinn moved to deny the proposed rezoning request as stated above. Seconded by Councilmember Christenberry, motion for denial passed unanimously by the following votes: AYE-Quinn, Christenberry, Ford, and Gentle. NAY-none. ABSTAINED-Stankoski

Gregg Mims stated that today the property is zoned R-1, the purpose for going before the Board of Adjustments and Appeals is to seek a zoning. Mr. Mims and Jonathan Smith will work with Mr. Danny Smith on the process of going before the Board of Adjustment and Appeals.

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Councilmember Ford introduced in writing a proposed Impact Fee Ordinance. Gregg Mims briefly explained the ordinance and reviewed the following dates the meeting has been held with regards to the Impact Fee Ordinance:

April 10, 2007 – Public Hearing was held
May 7, 20-07 Special Work Session was held

This ordinance will layover for final adoption at the next regular City Council meeting.

Jennifer Fidler, Public Works Director addressed the City Council requesting that the proposed resolution to adopt the Baldwin County Solid Waste Comprehensive Plan layover until the following concerns are addressed:

- The County's amendments to the plan are addressed
- Until the City finds out if the cost of tonnage will or can be changed in the future.

Councilmember Ford moved to table the proposed resolution. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

The City Council was in agreement to address agenda item 15 next. Councilmember Quinn moved to appoint Amy Thompson to the Library Board to replace Dr. Hollis Wiseman (retiring). Mrs. Thompson term will end May 2011. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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 U. S. Department of Agriculture NRCS for the Emergency Watershed Protection Program. The additional funds totaling \$141,333.33. - \$106,000.00 (75%) of construction cost and \$35,333.33 (25%) city's contribution. Agreement No. 69-4101-7-4. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

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RESOLUTION NO. 1371-07

WHEREAS, the City of Fairhope has been notified of additional NRCS funds to pay for the construction of certain projects listed below. These project and funds are hereby a part of Agreement No. 69-4101-7-4.

WHEREAS, under the provisions of Section 216 of Public Law 81-516, Emergency Watershed Protection Program, and Title IV of the Agricultural Credit Act of 1978, Public law 95-334, NRCS is authorized to assist the Sponsor in relieving hazards created by natural disasters that cause a sudden impairment of a watershed; and,

WHEREAS, the Sponsor and NRCS agree to a plan which provides for restoration of certain works of improvement referenced in Section A.

NOW THEREFORE, in consideration of the premises and of the several promises to be faithfully performed by the parties hereto as set forth, the Sponsor and NRCS do hereby agree as follows:

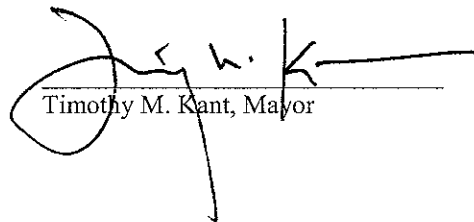
IT IS AGREED that the following described work is to be constructed at a total estimated cost of \$141,333.33 - \$106,000.00 75% of construction cost and \$35,333.33 (25%) City's contribution. Agreement No. 69-4101-7-4

PROJECTESTIMATE – EMERGENCY WATERSHED PROTECTION PROGRAM

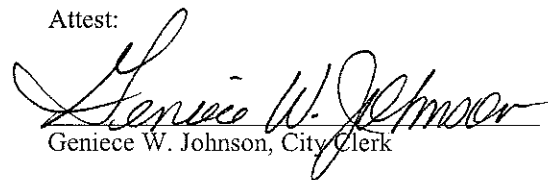
DSR SITE	LOCATION	Estimated Cost
FAI0905-0013	Nichols Avenue (Bay Front)	\$ 22,000
FAI0905-0014	Fairhope Beach South	\$ 42,000
<u>FAI0905-0015</u>	<u>Gayfer Avenue</u>	<u>\$ 42,000</u>
		\$106,000

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor Kant is hereby authorized to execute an agreement between the City of Fairhope and the United States Department of Agriculture Natural Resources Conservation Service for an Emergency Watershed protection program. \$1141, 333.33 - 160,000.00 (75%) of construction cost and \$35,333.33 (33%) city contribution.

Adopted this 14th day of May, 2007.



 Timothy M. Kant, Mayor

Attest:

 Geniece W. Johnson, City Clerk

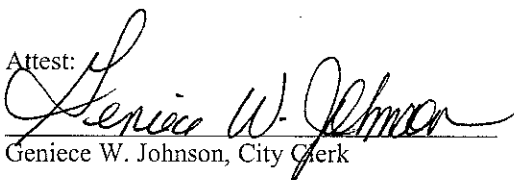
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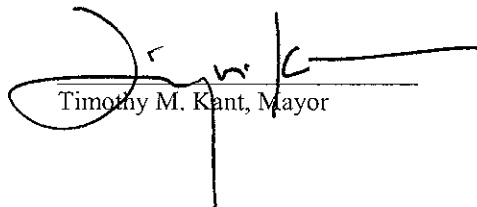
Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to execute an agreement between the City of Fairhope and Hutchinson Moore & Rauch, LLC to provide professional services for the extension of the South Beach Trail Project. Compensation for the additional services shall be in the amount of \$5,000.00. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

RESOLUTION NO. 1372-07

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor Timothy M. Kant is hereby authorized to execute the professional service agreement between the City of Fairhope and Hutchinson, Moore & Rauch, LLC to provide professional services for the South Beach Trail extension. Compensation for the additional services shall in the amount of \$5, 000.00.

Adopted this 14th day of May 2007.

Attest:

Geniece W. Johnson, City Clerk


Timothy M. Kant, Mayor

Councilmember Quinn 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 Old Battles Village Subdivision Phase I for maintenance. (aka Oak Hill SD, and aka Huntington PUD). Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

RESOLUTION NO. 1373-07

WHEREAS, the Owners of Old Battles Village, Phase I Subdivision 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 S-2312B, 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;

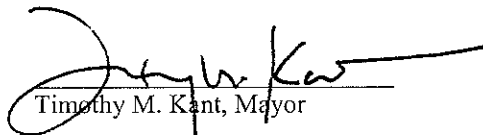
WHEREAS, the City of Fairhope, Alabama, is not and in no manner will be responsible for the maintenance of common areas in the subdivision as indicated on the recorded plat, and;

WHEREAS, the City of Fairhope, Alabama, has received from the owners of Old Battles Village maintenance bonds for the public improvements constructed for a period of 2 years, and;

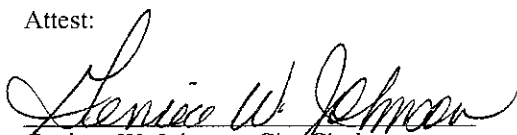
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NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA that the public improvements indicated herein for Old Battles Village, Phase I Subdivision are hereby accepted for public maintenance subject to the bond posted.

Adopted, this 14TH day of May , 2006.


Timothy M. Kant, Mayor

Attest:

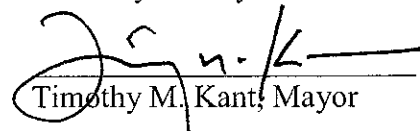

Geniece W. Johnson, City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to execute the proper paper work to donate the Fire Engine 912 to Rosinton Volunteer Fire Department – 1967 Ford C-800, 750 gallon per minute pumper. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

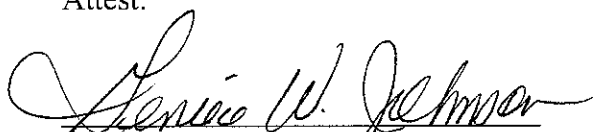
RESOLUTION NO. 1374-07

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor, Timothy M. Kant is hereby authorized to execute the proper paper work to donate the following Engine 912 to Rosinton Volunteer Fire Department – 1967 Ford C-800, 750 gallon per minute pumper.

Adopted and approved this 14th day of May 2007


Timothy M. Kant, Mayor

Attest:

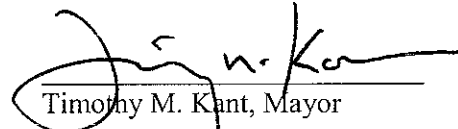

Geniece W. Johnson, City Clerk

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to negotiate the purchase of Natural gas, and report back to the City Council for final approval. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

14 May 2007

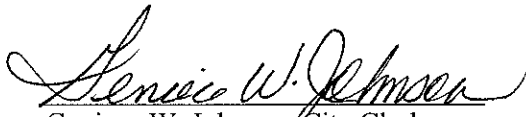
RESOLUTION NO. 1375-07

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor, Timothy M. Kant is hereby authorized to negotiate the purchase of Natural Gas. Once all options are reviewed and the negotiation period is complete, an agreement to purchase natural gas from a certain company will be approved by the Governing Body of the City of Fairhope.

Adopted and approved this 14th day of May 2007


Timothy M. Kant, Mayor

Attest:

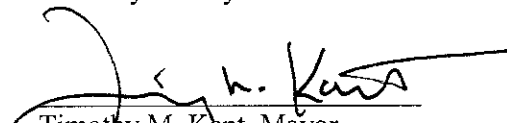


Geniece W. Johnson, City Clerk

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to execute an agreement between the City of Fairhope and Watermark Design Group, LLC to provide architectural services for the Tennis facility at Stimpson Field located at 600 Morphy Avenue. Total fee \$10,400.00. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

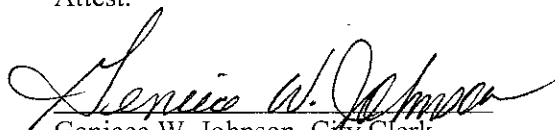
RESOLUTION NO. 1376-07

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor, Timothy M. Kant to execute an agreement between the City of Fairhope and Watermark Design Group, LLC to provide architectural services for the Tennis facility at Stimpson Field located at 600 Morphy Avenue. Total fee \$10,400.00

Adopted and approved this 14th day of May 2007


Timothy M. Kant, Mayor

Attest:



Geniece W. Johnson, City Clerk

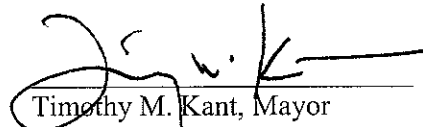
14 May 2007

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 Watermark Design Group, LLC to provide architectural services for the Barnwell Athletic Complex located in Barnwell, total fee \$18,200. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

RESOLUTION NO. 1377-07

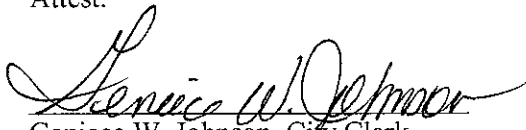
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor, Timothy M. Mayor Kant to execute an agreement between the City of Fairhope and Watermark Design Group, LLC to provide architectural services for the Barnwell Athletic Complex located in Barnwell. Total fee 18,200.00.

Adopted and approved this 14th day of May 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 Library's budget be increased by \$10,000 per month through the end of the budget year, September 2007, with additional funding provided when the new budget year becomes effective, October 2007 – September 2008. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

14 May 2007

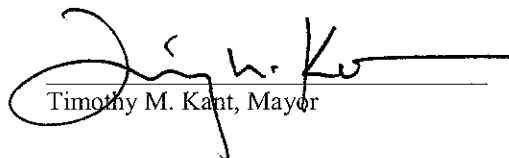
RESOLUTION NO: 1378-07

WHEREAS, the board of trustees of the Fairhope Public Library, are requesting that the Library's budget be increased by \$10,000 per month through the end of the budget year, September 2007, with additional funding provided when the new budget year becomes effective, October 2007 – September 2008; and,

WHEREAS, this will allow the library to add needed part-time staff at this time and increase open hours from 48 to 52 per week. Staff and open hours will increase more as funds become available; and,

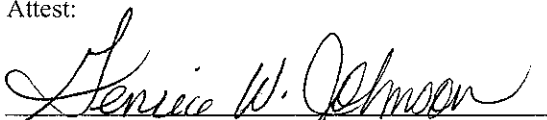
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor, Timothy M. Kant is hereby authorized to amend the Library's budget to grant the board of trustees of the Fairhope Public Library as requested as stated above.

Approved this the 14th day of May 2007.



Timothy M. Kant, Mayor

Attest:

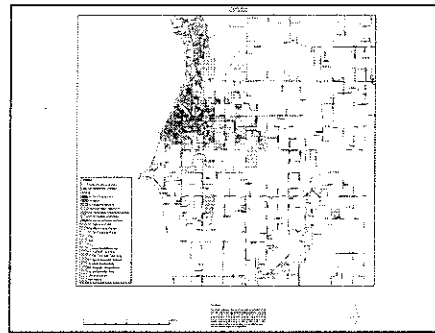


Geniece W. Johnson, City Clerk

City Council reviewed an application for Beer/Wine Off -Premises License by Kevin Smith, dba Wal-Mart Supercenter # 4333, located at 10040 County Road 48, Fairhope, Alabama. Councilmember Stankoski moved to approve the issuance of the license. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Gregg Mims presented the following PowerPoint Presentation to discuss the following:

- City of Fairhope Permitting Jurisdiction
- Condominium and Apartment Developments in the City of Fairhope Planning Jurisdiction.



Permits Issued from January 2006 to April 2007 in the City of Fairhope Permitting Jurisdiction

- Miscellaneous: 163 Permits
- Single-Family Residential: 127
- Multi-Family: 4
- Office: 1
- School: 1
- Retail: 1
- Residential Alterations: 126
- Non-residential Alterations: 31
- Residential Demolition: 24
- Non-residential Demolition: 4
- Right of Way (ROW): 1
- Total Number of Permits Issued: 483

Slide 1

Slide 2

Permitting Jurisdiction: Pros and Cons

Pros

- Compliance with the City of Fairhope Building Codes
 - 1997 SBC
 - 2002 NEC
 - 2000 Life Safety
- Building Official has the Authority to Require Information
 - Traffic Data/Study (Not Required by County)
 - Drainage (Not Required by County)

Cons

- The Public has an Unrealistic Perception of the City of Fairhope's Ability to Control Development (i.e., No Zoning Controls)

Pending Issues

- The Planning Commission will consider amendments to the Subdivision Regulations at the June 4th meeting
 - Amendments to address standards for property located in the Planning Jurisdiction where more than one building is located on a lot.
 - Issues to be addressed include: Storm-water, Setbacks, Traffic, Utilities and Building heights

Slide 3

Slide 4

Pending Issues

- City Council consideration of a thirty (30) day moratorium on permits issued for multi-family condominium/apartment projects
 - Exempt previously approved projects and projects already submitted for building permits

Pending Issues

- Guidance from the City Council on the adoption of the 2006 International Building Code (IBC)/International Residential Code (IRC) and 2005 National Electrical Code (NEC)

Slide 5

Slide 6

Mr. Mims stressed again that the City cannot ask for the usage of developments of properties located outside the city limits. The City can only issue a building permit.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution instructing to stop issuing permits for any project that proposes more than one structure on a lot and/or parcel within the permitting jurisdiction for a period of thirty (30) days. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

14 May 2007

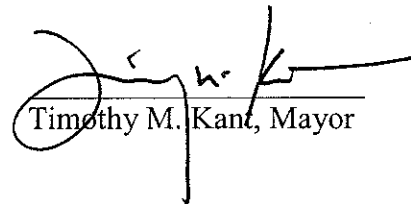
RESOLUTION NO. 1379-07

WHEREAS the propose of this resolution is to preserve the ability of the City of Fairhope to implement development standards for sites were multiple structures are to be constructed on one lot and/or parcel.

Whereas all approved projects as of May 14, 2007 in the City of Fairhope and the permitting jurisdiction are exempted.

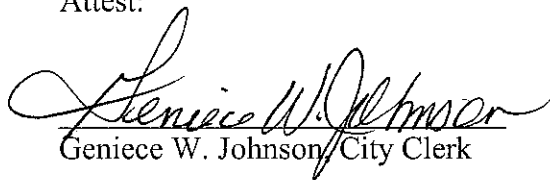
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that the staff of the City of Fairhope is hereby instructed to stop issuing permits for any project that proposes more that one structure on a lot and/or parcel within the permitting jurisdiction for a period of thirty (30) days.

Adopted, this 14th day of May, 2007



Timothy M. Kant, Mayor

Attest:



Geniece W. Johnson, City Clerk

Councilmember Ford moved to grant the sale of Surplus Property. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

Councilmember Quinn moved to authorize the expenditure of \$2,000.00 to install speed humps with Meadowbrook Subdivision. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Councilmember Stankoski announced that there would be a Street Committee meeting held on May 31, 2007 at 4:00 p.m. to discuss/review the Roundabout, and other outstanding Street Committee requests.

14 May 2007

TABULATION / RECOMMENDATIONIdentification: "PARKING LOT - STIMPSON FIELD"Bids open on: April 13, 2006at: 11:00 a.m.*Construction of Parking Lot located at Stimpson Field Tennis Complex*

VENDOR:	TOTAL BID:	DATE CONSTRUCTION BEGINS:	DATE CONSTRUCTION COMPLETED:
AMMONS & BLACKMON CONSTRUCTION, Spanish Fort, AL	\$57,637.50	May 7, 2007	May 31, 2007
AMERICAN ASPHALT, INC. Magnolia Springs, AL	\$43,262.00	April 23, 2007	10-Days
BALDWIN ROAD BUILDERS Silverhill, AL	NO RESPONSE		
MOBILE ASPHALT Mobile, AL	NO RESPONSE		

It is recommended to accept the low bid from **AMERICAN ASPHALT, INC., Magnolia Springs, AL.**
All specifications have been met.

Eddie Boyett
Recreation Dept.

Wayne Smith,
Purchasing Agent

Councilmember Quinn moved to accept the low bid of American Asphalt, Inc., Magnolia Springs, Alabama, provided all specification are met, for the parking lot at Stimpson field. Seconded by Councilmember Ford, motion passed unanimously by voice vote. This purchase will be funded by the 2007 GOW Bond Issue.

14 May 2007



April 12, 2007

Contract No. 106508.10 B
Well #10 and Treatment Facility Renovations

www.volkert.com
3809 Moffett Road (36618)
P.O. Box 7434
Mobile, Alabama 36670-0434
251.342.1070
Fax 251.342.7962
volkert@volkert.com

Mr. Dan McCrory
City of Fairhope
161 North Section Street
Fairhope, Alabama 36532

Dear Mr. McCrory:

Enclosed is the Tabulation of Bids received on April 12, 2007 for the referenced project. The following is a summary of the total bid amounts submitted:

<u>Contractor</u>	<u>Total Bid Amount</u>
Griner Drilling Service, Inc.	\$448,550.00
Layne Christensen Company	\$461,121.00

We have reviewed the proposals and found them to be in order. Griner Drilling Service, Inc. submitted the low total bid amount of \$448,550.00. The submitted total bid amount is less than the engineer's estimate. Therefore, we recommend that Griner Drilling Service, Inc. be awarded this contract for the total bid amount of \$448,550.00.

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

Sincerely,

Ray Miller, P.E.
Project Manager

/kvd
Enclosures
c Ms. Geniece Johnson
Ms. Nancy Wilson

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

14 May 2007

THE CITY OF FAIRHOPE, ALABAMA
 TABULATION OF BIDS RECEIVED ON APRIL 12, 2007
 FOR CONTRACT NO. 106508-10 B
 WELL #10 AND TREATMENT FACILITY RENOVATIONS

Item No.	Item Description	Unit	Estimated Quantity	1 Griner Drilling Services, Inc.		2 Layne Christensen Company		Engineer's Estimate	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	Construction of 750 GPM Production Well Complete with Outer and Inner Well Casing, Well Screen, Gravel Pack, Furnished, installed and Developed	LS	1	\$255,000.00	\$255,000.00	\$152,149.00	\$152,149.00	\$285,000.00	\$285,000.00
2	Furnish and Installation of 750 GPM Water Supply Well Pump, Motor, Shaft, Permanent Water Level Monitoring System, Metering, Valving, Piping, Concrete Work, Etc. as Indicated on the Plans and Described in the Specifications	LS	1	\$62,000.00	\$62,000.00	\$140,282.00	\$140,282.00	\$59,000.00	\$59,000.00
3	Induced Draft Aerator	LS	1	\$39,000.00	\$39,000.00	\$46,547.00	\$46,547.00	\$50,000.00	\$50,000.00
4	Cleanwell Rehabilitation	SF	350	\$23.00	\$8,050.00	\$24.50	\$8,575.00	\$28.58	\$10,003.00
5	High Service Pump Modifications 1,100 GPM to Approximately 1,500 GPM	LS	1	\$12,500.00	\$12,500.00	\$17,217.00	\$17,217.00	\$15,000.00	\$15,000.00
6	Chemical Feed Equipment	LS	1	\$49,000.00	\$49,000.00	\$49,161.00	\$49,161.00	\$45,000.00	\$45,000.00
7	Fencing	LS	1	\$11,000.00	\$11,000.00	\$2,965.00	\$2,965.00	\$20.00	\$20.00
8	Yard Piping	LF	500	\$16.00	\$8,000.00	\$54.25	\$27,125.00	\$40.00	\$20,000.00
9	Pump Test for Well	HR	48	\$125.00	\$6,000.00	\$200.00	\$9,600.00	\$75.00	\$3,600.00
10	Water Quality Analysis of Well	LS	1	\$3,000.00	\$3,000.00	\$2,500.00	\$2,500.00	\$3,500.00	\$3,500.00
11	Allowance	LS	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
	BASE BID AMOUNT				\$448,550.00		\$461,121.00		\$496,123.00
	CONTINGENCY ITEMS								
12	Abandon Well Per ADEM Standards if Water Capacity and/or Water Quality Tests are Unacceptable to the Owner	LS	1	\$6,500.00	\$6,500.00	\$8,500.00	\$8,500.00	\$10,000.00	\$10,000.00

I, Ray Miller, P.E., Project Manager, Volkert & Associates, Inc., Consulting Engineers, do hereby certify that this tabulation of bids received on April 12, 2007, for construction of the herein referenced project, is a true and correct copy of the bids submitted by the within named corporations.

Ray Miller
 Ray Miller, P.E., Project Manager
 Volkert & Associates, Inc.

VOLKERT & ASSOCIATES, INC.

Councilmember Stankoski moved to accept the low bid of Griner Drilling Services, Inc., Spanish Fort, Alabama, provided all specification are met, Well # 10 and Treatment Facility Renovations. Seconded by Councilmember Ford, motion passed unanimously

14 May 2007

TABULATION / RECOMMENDATION*Identification: "TRIM RIGHT OF WAY"*Bids opened on: April 27, 2007at: 11:00 a.m.

Bid to secure a company to trim city right of way for the Electric and Public Works Departments.

VENDOR:	LABOR RATE PER HOUR:	EQUIPMENT RATE PER HOUR:	TOTAL HOURLY RATE OF LABOR & EQUIPMENT:	INSURANCE & WORKMAN'S COMP:	OTHER INFORMATION:	DATE COMPANY CAN BEGIN:
BURFORD'S TREE, INC. Anniston, AL	\$48.37	\$18.50	\$66.87	In place		June 1, 2007
ASPLUNDH TREE EXPERT CO, Alabaster, AL	\$48.52	\$23.46	\$71.98	In place		April 26, 2007
WATERFRONT CONSTRUCTION, INC. Mobile, AL	\$50.00	\$89.00	\$139.00	In place		April 26, 2007
T.F.R. ENTERPRISES, INC., Leander, TX	BID					

Bids were sent to the following vendors with no response to the bid invitation:

BURFORD'S TREE SURGEONS, INC., Anniston, AL
 LSE LAFAYETTE STEEL ERECTOR, INC, Scott, LA
 TRIPP PITTMAN, Montrose, AL
 TREESMITH, INC., Tuscaloosa, AL

SPOTSWOOD TREE SERVICE, Daphne, AL
 A ARBORIST ON BOARD TREE SERVICE, Atmore, AL
 CROWDER-GULF, Theodore, AL

It is recommended to accept the low bid from BURFORD'S TREE, INC., Anniston, AL. All specifications have been met.

Jennifer Fidler,
 Director of Public Works

Aaron Norris,
 Electric Dept. Supt.

Wayne Smith,
 Purchasing Agent

Councilmember Quinn moved to accept the low bid of Burford's Tree, Inc., Anniston, Alabama, provided all specification are met, Trim Right-of-Way. Seconded by Councilmember Ford, motion passed unanimously

Councilmember Christenberry moved to reschedule the next Regular Council meeting to Thursday, May 31, 2007 from Monday, May 28th due to Memorial Day. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

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

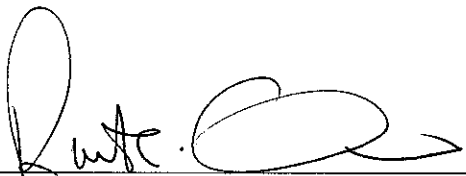
14 May 2007

Chuck Zunk addressed the City Council announcing and inviting everyone to attend the Fairhope Festival of Flight on Saturday and Sunday, May 19-20, 2007, 9:00 a.m. – 2:30 p.m. each day.


A. J. Cooper addressed the City Council to inquire if Gateway Companies developers of Shellbrook Pointe would have to pay the amount invoiced for cutting down city trees or would they have to pay a fine? Council President Gentle stated that this issue may become pending litigation, and it is not known if we should discuss this issue at this time.

Vince Valentim addressed the City Council with concerns of the Impact Fee – should determine if a project is feasible or not? Mr. Valentim stated the Greeno Road should be a six lane rather than putting a median in the middle.

There being no further business to come before the City Council the meeting was duly adjourned at 7:50 p.m.



Robert C. Gentle, Council President



Geniece W. Johnson, City Clerk