

22 October 2007

Another interesting part of his military service was visiting foreign countries and meeting new people. "No matter what country I was in, people would hear me talk, and they would ask about the South. Pretty soon, someone would ask me if I ever heard of a town called Fairhope. That happened probably a dozen times over the years. After a while, I wasn't surprised when someone from Turkey or Italy would ask me about Fairhope."

Stewart met one very important person on his first tour of duty, his wife. "My wife, Marlene, is from England, and I met her there on my very first assignment. We've been married all these years." My wife has stood by my side through the good and bad times; even when I was gone 6-months at a time she was still there to strengthen me and keep our family together. They are the proud parents of three grown sons.

After Stewart retired in 1995, he and his family returned to Alabama, and he took a job with the Baldwin County Sheriff's Department as a transport officer and bailiff under Judge Partin. He went to work for the City of Fairhope in the summer of 2005 as a Corrections/Reserve officer.

"It's a real honor to be named Veteran of the Year. I would like to thank the Mayor and the City of Fairhope for this award. This award goes to all Veterans and my comrades in arms who deserve this award too. Even though I'm retired, everything I do goes back to my military training. I enjoy law enforcement work because it gives me an opportunity to help people. It's a way for me to give back to my country for everything my country and the military gave to me."

A man of strong faith, Stewart believes he is where God intends for him to be. "There are no coincidences. I believe that God gave me my job with the City so that I would be there for men and women who need help."

For his actions, the City of Fairhope awarded Stewart a Life Saving Medal and Medal for Heroism. As Veteran of the Year, he will also be recognized in this year's Veterans' Day Parade on Saturday, November 12.

Mayor Kant presented the following Proclamation to the Disabled American Veterans, proclaiming the month of November, 2007 as Disabled American Veterans Month.

DISABLED AMERICAN VETERANS

WHEREAS, THE DISABLED AMERICAN VETERANS ORGANIZATION HAS WORKED EXCLUSIVELY FOR THE WELFARE OF DISABLED VETERANS, AND HAS SERVED ITS MEMBERS FAITHFULLY IN COUNTLESS WAYS, INCLUDING AMONG OTHERS FREE SERVICES AND COUNSELING COVERING THE ENTIRE COMPLEX OF VETERANS' BENEFITS, SPECIAL MEDICAL EQUIPMENT, AND FINANCIAL ASSISTANCE IN EMERGENCIES; AND

WHEREAS, OUR COMMUNITY HAS A CONTINUING SENSE OF GRATITUDE TO THOSE DISABLED VETERANS WHO HAVE GIVEN SO MUCH IN THE DEFENSE OF THE FREEDOMS WHICH WE CONTINUE TO ENJOY;

NOW THEREFORE, ON BEHALF OF THE CITY COUNCIL AND ALL OUR CITIZENS, I, TIMOTHY M. KANT, AS MAYOR DO HEREBY ISSUE THIS PROCLAMATION RECOGNIZING ALL OUR DISABLED AMERICAN VETERANS AND URGING ALL OUR CITIZENS TO JOIN WITH ME IN THIS EXPRESSION OF OUR APPRECIATION FOR THE SACRIFICES MADE IN BEHALF OF THEIR COUNTRY BY THESE SAME VETERANS, AND IN COMMENDING THIS ORGANIZATION FOR THE MANY FINE SERVICES IT PROVIDES.

22 October 2007

A Public Hearing was held as advertised on a proposed ordinance to amend the Zoning Ordinance No. 1253. Councilmember Quinn introduced an ordinance to zone the property of Thompson Achee Development, Inc. to R-2 Medium Density Single Family Residential concurrent with annexation. The Planning & Zoning Commission recommended approval of this ordinance. This property is generally located south of Copper Key Subdivision and east of Quail Creek Estates, Fairhope, Alabama. **Steel Branch.**

Jonathan Smith, City Planner, reviewed the proposed ordinance:

STAFF INTERPRETATION:

The subject property is in Baldwin County and is un-zoned. The property contains approximately 9.55± acres. The applicant is requesting an initial zoning of R-2 (Medium Density Single-Family Residential District) concurrent upon Conditional Annexation.

The Articles of Incorporation for Thompson Achee Development, Inc. includes: Chris Achee and Cole Thompson. EDS, LLC is the engineering firm representing the applicant.

The subject property is the site for the recently approved Steel Branch Subdivision. Lot sizes vary from 12,212 square feet to 18,175 square feet. The minimum lot size required for the R-2 Zoning District is 10,500 square feet.

The site is contiguous with land in the City of Fairhope. Section 11-42-21 of the State Code of Alabama states: "Whenever all of the owners of property located and contained within an area contiguous to the corporate limits of any incorporated municipality located in the state of Alabama and such property does not lie within the corporate limits or police jurisdiction of any other municipality, shall sign and file a written petition with the city clerk of such municipality requesting that such property or territory be annexed to the said municipality, and the governing body of such municipality adopts an ordinance assenting to the annexation of said property to such municipality, the corporate limits of said municipality shall be extended and rearranged so as to embrace and include such property and such property or territory shall become a part of the corporate area or such municipality upon the date of publication of said ordinance."

Quail Creek Estates, Unit IV is directly east of the subject property. The Copper Key subdivision is north of the site and it is zoned R-1 (Low Density Single Family Residential). East and south of the subject property lies un-zoned County land.

The issues associated with this request are as follows:

Comprehensive Plan: This request is not contrary to the Comprehensive Plan.

Adjacent Properties: R-2 zoning for the subject site will not conflict with any adjacent property's zoning or land uses.

22 October 2007

PLANNING COMMISSION RECOMMENDATION:

On September 4, 2007 the Planning Commission unanimously recommended approval of the R-2 (Medium Density Single-Family Residential District) zoning request.

Respectfully Submitted for Consideration,

Jonathan I. Smith
Planner
City of Fairhope

B. Gregg Mims
Planning Director
City of Fairhope

Council President Gentle opened the Public Hearing at 5:44 p.m. Debra Green, 415 Maples Street, addressed the City Council and asked what type of homes will be in the subdivision? Mr. Smith answered single family residential homes. No one present opposed the proposed ordinance, the Public Hearing closed at 5:46 p.m.

Councilmember Christenberry questioned this subdivision being Copper Key and traffic would flow thru Quail Creek. Mr. Smith stated this was not Copper Key. Councilmember Ford was opposed to the subdivision. This ordinance will layover for final adoption at the next regular City Council meeting.

Mayor Kant left the dais at 5:50 p.m. and returned at 6:00 p.m.

Councilmember Quinn introduced in writing Ordinance No. 1346. An ordinance annexing the property of Richard and Cara Shelby, located at 21297 Meadows Drive South, Fairhope, Alabama. Contains 0.46 acres more or less 46-02-10-0-000-050.016. In order to take immediate action, Councilmember Quinn moved for immediate consideration. Seconded by Councilmember Stankoski, motion for immediate consideration passed unanimously by the following votes: AYE - Quinn, Stankoski, Christenberry, Ford and Gentle. NAY - none. Councilmember Christenberry then moved for final adoption of Ordinance No. 1346. Seconded by Councilmember Quinn, motion for final adoption passed unanimously by the following voice vote: AYE - Quinn, Stankoski, Christenberry, Ford and Gentle. NAY - none.

Councilmember Christenberry introduced in writing Ordinance No. 1347. An ordinance annexing the property of Randall J. Billingsley, Jr. located North of Bishop Road, West of County Road 13, and immediately East of the Airport, a strip of land 3 feet wide, Fairhope, Alabama. Contains 1964.16 square feet more or less 56-02-09-1-001-002.001. In order to take immediate action, Councilmember Christenberry moved for immediate consideration. Seconded by Councilmember Stankoski, motion for immediate consideration passed unanimously by the following votes: AYE - Quinn, Stankoski, Christenberry, Ford and Gentle. NAY - none. Councilmember Christenberry then moved for final adoption of Ordinance No. 1347.

22 October 2007

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

Councilmember Stankoski introduced in writing Ordinance No. 1348. An ordinance annexing the property of The Groves at Point Clear, LLC located North of Bishop Road, West of County Road 13, and immediately East of the Airport, Fairhope, Alabama. Contains 39.59 acres more or less 56-02-09-1-001-001.000. In order to take immediate action, Councilmember Stankoski moved for immediate consideration. Seconded by Councilmember Christenberry, motion for immediate consideration passed by the following votes: AYE - Stankoski, Christenberry, Ford and Gentle. Councilmember Quinn recused herself. Councilmember Christenberry then moved for final adoption of Ordinance No. 1348. Seconded by Councilmember Ford, motion for final adoption passed by the following votes: AYE - Stankoski, Christenberry, Ford and Gentle. Councilmember Quinn recused herself.

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution setting certain 2007 – 2008 Holidays. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

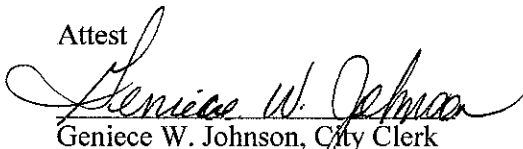
RESOLUTION NO. 1426-07

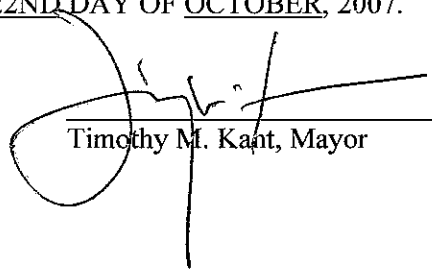
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, THAT THE FOLLOWING 2007 - 2008 HOLIDAYS WILL BE OBSERVED BY ALL CITY PERSONNEL EXCEPT EMERGENCY EMPLOYEES:

<i>Veterans Day</i>	-	<i>Monday, November 12, 2007</i>
<i>Thanksgiving</i>	-	<i>Thursday & Friday November 22 & 23</i>
<i>Christmas</i>	-	<i>Monday & Tuesday, December 24 & 25</i>
<i>New Years Day</i>	-	<i>Tuesday, January 1, 2008</i>
<i>Martin Luther King, Jr.</i>	-	<i>Monday, January 21, 2008</i>

DULY ADOPTED THIS 22ND DAY OF OCTOBER, 2007.

Attest


Geniece W. Johnson, City Clerk


Timothy M. Kant, Mayor

22 October 2007

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution accepting all of Fairhope's public utilities within Stuart Park Subdivision. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

RESOLUTION NO. 1427-07

WHEREAS, the Owners of Stuart Park desire to have all public utilities dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2353-C, 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;

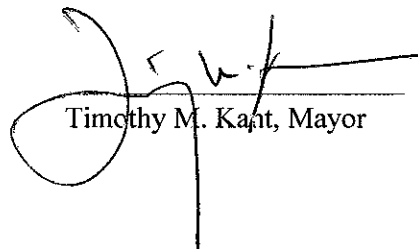
WHEREAS, the Water and Sewer Superintendent has indicated that the improvements meet City requirements, and;

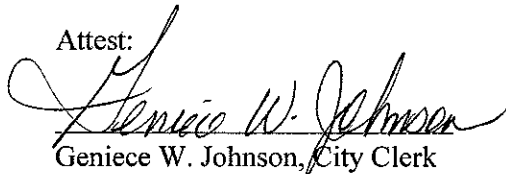
WHEREAS, the City of Fairhope, Alabama, is not and in no manner will be responsible for the maintenance of common areas in the subdivision as indicated on the recorded plat, and;

WHEREAS, the City of Fairhope, Alabama, has received from the owners of Stuart Park maintenance bonds for the public utilities constructed for a period of 2 years, and;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA that the public utilities indicated herein for Stuart Park are hereby accepted for public maintenance subject to the bond posted.

Adopted, this 22nd day of October, 2007.


Timothy M. Kaht, Mayor

Attest:

Geniece W. Johnson, City Clerk

22 October 2007

Councilmember Christenberry introduced in writing, and moved for the adoption of the following resolution, a resolution accepting all of Fairhope's public utilities within Long Pines Estates Unit Two. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

RESOLUTION NO. 1428-07

WHEREAS, the Owners of Long Pines Estates, Unit Two desire to have all public utilities dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2339C, 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;

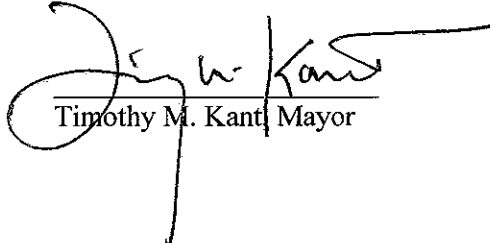
WHEREAS, the Water and Sewer Superintendent has indicated that the improvements meet City requirements, and;

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;

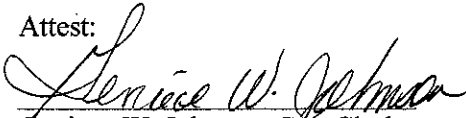
WHEREAS, the City of Fairhope, Alabama, has received from the owners of Long Pines Estates, Unit Two maintenance bonds for the public utilities constructed for a period of 2 years, and;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA that the public utilities indicated herein for Long Pines Estates, Unit Two are hereby accepted for public maintenance subject to the bond posted.

Adopted, this 22nd day of October, 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 accepting all of Fairhope's public utilities within Highway 32 Business Park. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

22 October 2007

RESOLUTION NO. 1429-07

WHEREAS, the Owners of Highway 32 Business Park desire to have all public utilities dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2361-A, 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;

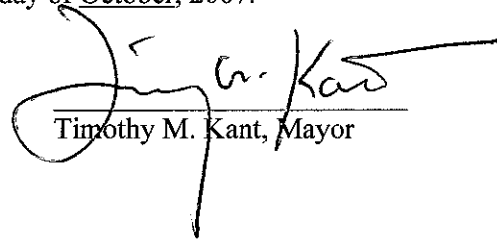
WHEREAS, the Water Superintendent has indicated that the improvements meet City requirements, and;

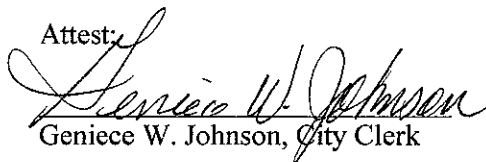
WHEREAS, the City of Fairhope, Alabama, is not and in no manner will be responsible for the maintenance of common areas in the subdivision as indicated on the recorded plat, and;

WHEREAS, the City of Fairhope, Alabama, has received from the owners of Highway 32 Business Park maintenance bonds for the public utilities constructed for a period of 2 years, and;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA that the public utilities indicated herein for Highway 32 Business Park are hereby accepted for public maintenance subject to the bond posted.

Adopted, this 22nd day of October, 2007.


Timothy M. Kant, Mayor

Attest:

Geniece W. Johnson, City Clerk

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution to present application for Transportation Enhancement (TE) Projects for FY2008 – Greeno Road Improvements Grant. Seconded by Councilmember Quinn, motion passed by the following votes: AYE – Quinn, Stankoski, Ford, and Gentle. Councilmember Christenberry recused himself.

22 October 2007

RESOLUTION NO. 1430-07

WHEREAS, The City of Fairhope proposes to construct sidewalks along Greeno Road (U.S. Hwy 98) to be used for pedestrian and bicycle traffic adjacent to a main thoroughfare through the City of Fairhope. The project will begin near the intersection of U. S. 98 and Southland Boulevard, run north from a residential area and connecting Fairhope High School into the most commercially driven area of the city, and terminating at the Spring Run Road intersection. The sidewalk will be constructed along the east side of Greeno Road and will run parallel with the road inside State right-of-way; and

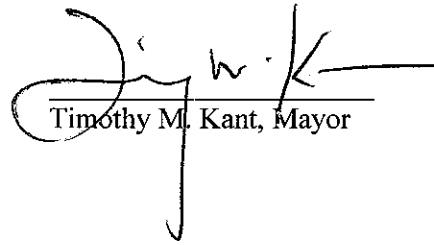
WHEREAS, The City of Fairhope intends to present an application to the Alabama Department of Transportation (ALDOT) for the Transportation Enhancement (TE) Projects for FY 2008 for grant assistance on the Greeno Road Sidewalk Improvements; and

WHEREAS, said programs are limited to funding a maximum of eighty percent (80%) of the proposed project costs, which are estimated at \$450,000.00 which will be used to develop the land consisting of a multi-use sidewalk which will serve as both a recreational and organizational transportation control device; and

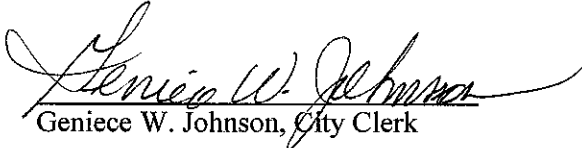
NOW THEREFORE BE IT RESOLVED, that the City of Fairhope holds in reserve twenty percent (20%) of the proposed projected cost for the purpose of matching the Transportation Enhancement (TE) Projects for FY 2008 grant assistance; and

BE IT FURTHER RESOLVED, that in the event a grant is awarded, the City of Fairhope understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations.

DULY ADOPTED THIS 22ND DAY OF OCTOBER, 2007.


Timothy M. Kant, Mayor

ATTEST:


Geniece W. Johnson, City Clerk

I, Geniece W. Johnson, duly appointed City Clerk of the City of Fairhope, Alabama, do hereby certify that Resolution No. 1430-07 is a true and correct copy of a resolution passed and approved by the City Council of the City of Fairhope, Alabama, on the 22nd day of October, 2007.

Geniece W. Johnson, City Clerk

Date

22 October 2007

Jonathan Smith, City Planner, addressed the City Council to explain the Site Plan Review of property owned by Southern Development of MS, Inc. located on the west side of Greeno Road, just north of Fairhope Avenue, Fairhope, Alabama for a proposed Arby's and TCBY/Rollie Pollie.

STAFF INTERPRETATION:

Donnie Hendrix of Southern Development of MS, Inc. is the authorized agent in this request. The property is zoned B-2 (General Business) and the total site area is approximately 33,937.46 square feet (.77 acres).

The proposed building has a footprint of 4,050 square feet. The proposed building height is approximately eighteen feet, seven inches (18' – 7"). Impervious site coverage totals at approximately seventy eight percent (78%) and twenty-five (25) parking spaces are provided. ALDOT has approved the proposed access for the site off of Greeno Road (U.S. Highway 98).

The subject property is bordered on all sides by B-2 (General Business) zoned property.

Article II, Section C of the Fairhope Zoning Ordinance requires any project with more than thirty percent (30%) of impervious surfaces on a lot (excluding the building) go through the Planning Site Plan Review process; the percentage of impervious lot coverage, excluding the building, for this project totals at approximately sixty-six percent (66%).

PLANNING COMMISSION RECOMMENDATION:

To approve the Arby's & TCBY/Rollie Pollie Site Plan contingent upon the following condition:

1. All stormwater shall be captured and held on-site prior to being released into the City's existing stormwater system. Detailed drainage plans in compliance with City regulations will be administratively reviewed and approved prior to the issuance of any land disturbance or building permits.

Respectfully Submitted for Consideration,

Jonathan I. Smith
Planner
City of Fairhope

B. Gregg Mims
Planning Director
City of Fairhope

Councilmember Quinn inquired if more pervious surfaces, an additional 10%, could be used on this site. Mr. Smith stated that it was not a requirement for Planning & Zoning. Councilmember Quinn moved to table the Site Plan due to the lack of pervious lot coverage. Councilmember Quinn's motion died for lack of a second. Councilmember Stankoski inquired about the trees on the site. Jennifer Fidler, Public Works Director, stated that they were saving approximately 10 feet of green space on the backside of site. After further discussion, Councilmember Ford moved to approve the Site Plan property owned by Southern Development of MS, Inc. listed above. Seconded by Councilmember Christenberry, motion passed by the following votes: AYE – Stankoski, Christenberry, Ford and Gentle. NAY - Quinn.

22 October 2007

Jonathan Smith, City Planner, addressed the City Council to explain the Site Plan Review of property owned by Eric Craig located on the south side of Fairhope Avenue, Fairhope, Alabama for a proposed Car Wash and Vacuum Facility.

STAFF INTERPRETATION:

Scott Hutchinson of HMR, LLC is representing Eric Craig in this request. The property is zoned B-2 (General Business), and is located on Fairhope Avenue. The proposed building is a single story car wash and vacuum facility.

Building Height and Building Square Footage: The maximum building height in B-2 is restricted to 30 feet and the proposed structure will not exceed 30 feet. The total lot area is 22800 square feet and the building square footage is 2704.

Landscaping: According to the review of the City of Fairhope Horticulturalist, the tree quantity is approved but at least two additional tree species shall be included. Jennifer Fiddler shall be contacted for the approved species type. The detention area shall be screened with 36" shrubs.

Oil/Water Separator: Shop drawings shall be submitted for City of Fairhope for approval prior installation.

Mechanical Equipment: All mechanical equipment, with the exception of the vacuum station shall be placed in the buildings.

Exterior Lights: Security lights or typical parking lot lights as seen in parking lots are proposed. All lighting shall comply with the City of Fairhope's lighting ordinance.

Dumpster Location: No dumpster is proposed. The owner shall take the garbage receptacles to the Right of Way for City of Fairhope pick-up.

Signage: A sign permit shall be required and all signs erected on the property shall be in compliance with the City of Fairhope Zoning Ordinance.

Utilities: All utilities shall be placed underground.

Drainage: A drainage narrative and calculations were submitted for the 2-100 year storm.

Sidewalks: The City of Fairhope Planning Staff recommends sidewalks be placed along Highway 48.

Outside Agency Approvals: Prior to the issuance of a building permit, all required outside agency approvals shall be submitted to the City of Fairhope Planning Department.

Planning Commission Recommendation: To approve as requested.

Respectfully Submitted for Consideration,

Nancy Milford
Planner
City of Fairhope

B. Gregg Mims Planner
Planning Director
City of Fairhope

Councilmember Ford moved to approve the Site Plan property owned by Eric Craig listed above. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

22 October 2007

City Council reviewed an application for a Restaurant Liquor License by Troy Newton d/b/a The Shrimp Shack located at 18957 State Road 181 Fairhope, Alabama. Councilmember Christenberry moved to approve the issuance of the license. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Quinn addressed the City Council and gave a report from the Lightning Protection Committee for the new public library. The Library Protection Committee's recommendation is to use the lightning interceptor system that was the choice of H. M. Yonge & Associates, Inc., Consulting Engineers. There would be on mast on the back portion of the building and supported to the structure without guy wires. ENRICO, one of the vendors consulted about this project, quoted \$7,325.50 for the cost of the materials to provide protection for the facility, installation is additional. Council President asked, "How does Aaron Norris, Electric Department Supervisor, feel about the recommendation?" Councilmember Quinn said he is in agreement with the recommendation. Councilmember Quinn moved to approve the purchase of the lightning interceptor system funded by the Library Bridge Loan and contact Aaron Norris regarding the installation. Seconded by Councilmember Stankoski, motion passed by the following votes: AYE – Quinn, Stankoski, Christenberry and Gentle. NAY - Ford.

Council President Gentle stated there were two recommendations by the Fairhope Governmental Structure Committee that he wanted the City Council to discuss:

1. Key Performance Indicators - Finance
2. Control over Utilities

Council President Gentle stated that Council members need to decide which key performance indicators they would like to see used for reports, graphs, etc. Councilmember Ford commented that getting involved with the Utilities is always good. Council President Gentle said, "you can start with Electric or Gas, whatever you decide on." Councilmember Ford stated we hear from the Utilities at each council meeting with their reports. Council President Gentle commented that we have heard a history of their growth.

Council President Gentle asked are we going to be aggressive. Councilmember Christenberry mentioned that Baldwin County Sewer System's rates have gone way up. We need skull sessions and need to get our arms around the situation to help with confusion. Councilmember Stankoski commented, in reality they are both the same finance and utilities, they are tied together. Our financial data is accurate and valid, but not simple enough.

22 October 2007

Councilmember Quinn stated we need to meet at least once a month on Finance and Utilities. She commented that she wants to get the financials sooner than they get them. Mayor Kant said his staff is only following orders. He said a financial draft is given to him on the 10th of each month and it is not complete. The financials have been handed out, for the past seven years, on the 20th of each month for the City Council members. Councilmember Christenberry commented that “Governmental Accounting for Dummies is a great idea. However, I would rather the financials be correct than fast.”

Council President Gentle stated the Council needs to have a meeting with the first Utility selected – Water & Sewer. Lisa Hanks, Assistant City Clerk, will call each Council member and set up the meeting.

Jennifer Fidler, Public Works Director, and Ken Eslava, Assistant Public Works Director, addressed the City Council to request the Mayor and Council President Gentle to meet with Dr. Hollinger to resolve the drainage issues surrounding the development of the new Fairhope Middle School. Councilmember Quinn moved to grant the request. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Sally Lee Maloney addressed the City Council and read the following letter requesting that the City of Fairhope retain the No Parking Signs on Tensaw Avenue West of North Mobile Street.

22 October 2007

October 8, 2007

Mayor Tim Kant
City of Fairhope
191 North Section Street
Fairhope, Alabama 36532

Dear Mayor Kant:

I write to request the city retain the No Parking signs erected on Tensaw Avenue West of North Mobile Street for the purpose of preventing traffic conflicts and infractions of my rights on that public right of way.

Tensaw Avenue separates 565 and 601 North Mobile Street. Tensaw is a city street ending at the West in front of the public access green space above the Bay which fronts the gully containing the city drainage pipe. Tensaw forms one East/West leg of what looks like a U-shaped driveway; the parallel leg and part of the connecting base being 601's driveway. This U-shape is deceptive since the southern leg appears as part of what it is not – 601's private driveway.

The City placed a No Parking/Towing sign at the West/Bay end of Tensaw Avenue in order to enable traffic into and out of my driveway onto Tensaw, normal ingress and egress. This regular movement has been constantly denied me since the VFW sold due to the parking habits of the occupants of 601 North Mobile, their children, guests, and almost daily workmen.

Before this sign was erected I, my family, guests, workmen, the bulk of which are Fairhope residents, were constantly forced to accommodate this traffic volume when entering and exiting onto Tensaw and heading East on Tensaw. They have also complained to me of continual difficulty accessing or leaving my driveway. I have asked the owner of 601 North Mobile Street, David Dortch, to tell his workmen and have been forced to tell them myself to not block my driveway many times.

City sewage, leaf and tree workers, and street cleaners have informed me numerous times they did not do their work on this part of Tensaw because they did not know it was a City street. After my and the City's informing them Tensaw is a City street they have cleared the debris; however, if vehicles are parked in the No Parking areas they cannot position their trucks to do the work. Hence, I have often been denied the civic rights to these services that every other citizen of Fairhope has.

On October 5, 2007, I received from the City Clerk three letters written by J. Clark Stankoski,

22 October 2007

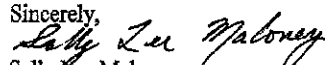
Attorney, who David Dortch employed "about a problem he has been having with his neighbor ~~and~~ the placement of some No Parking signs." This "problem" is not defined. Stankoski continues "at this time it is not our intention to litigate this matter with either the neighbor or the City of Fairhope"; however, the threat of litigation towards myself and the City is held in reserve.

When the VFW occupied 601 North Mobile two No Parking signs were placed and enforced establishing a precedent for smooth movement of all traffic. The signs are the obvious permanent solution. Without them there will be again an unacceptable problem with the City being responsible for accidents occurring from this situation. If these signs are removed people will park there again and the cycle of encroachment, blockage and violation of my rights will continue.

Any further determinations on this matter, I expect to be informed of in an immediate and timely manner.

Thank you for your attention herein.

Sincerely,


Sally Lee Maloney

22 October 2007

Council President Gentle asked are the signs still up. Ms. Maloney replied yes. Councilmember Ford asked, what's the problem? The signs have been up since the 1970s, why are we removing them now? Mayor Kant stated he could not resolve this issue with the two neighbors and would like the Council to make a decision regarding the signs. Councilmember Ford moved to grant the request to retain the no parking signs. Seconded by Councilmember Christenberry, motion passed by following votes: AYE – Quinn, Christenberry, Ford and Gentle. Councilmember Stankoski recused himself.

Marion E. Wynne, City Attorney, addressed Item #21 the request of Sister Julie Guillot, Director of Eastern Shore Affordable Houses, Inc., to waive application fees for subdivision. Attorney Wynne stated the City of Fairhope cannot do this legally. The Alabama Constitution prohibits governmental money to private entities. If you have a contract for services to the city and money to the entity, then you can do it. Councilmembers Ford and Christenberry both commented they would like to do a contribution, but can't because of the law. Christopher Baker of Hutchinson, Moore & Rauch, LLC told the City Council that HMR, LLC was doing all of their survey work as pro bono. Councilmember Christenberry said, "But you are not a governmental entity." Mr. Baker asked the City Council to try and figure out a way to help Sister Julie. Council President Gentle asked Councilmember Quinn to head up a committee and bring back suggestions to the next Council meeting.

Will Duncan, Director of Fairhope High School Bands, addressed the City Council requesting a donation from the City of Fairhope for travel expenses for the High School Band to perform in the 2008 St. Patrick's Day Parade in Chicago, Illinois. There are 132 members in the Band. A total of 165 are going on the trip which includes chaperons, each person is responsible for his/her expenses. Council President asked how much money has been raised. Mr. Duncan replied, in the neighborhood of \$10,000.

Mayor Kant stated that a contract was needed and the band must provide services to the community. Council President Gentle said we need to check the budget. Councilmember Ford mentioned we were already a month into our budget, but we would try to help. Also, Councilmember Ford commented that once before the City Council had to make a decision regarding funds; everyone tried to get help (donations) and all for a good cause. Council President Gentle stated we need to proceed with a contract and see how we can help. Councilmember Quinn was asked to help with issue too. Band President Amy Skinner and Byron Walker represented the Fairhope High School Band.

22 October 2007

Mike McPherson of the Baldwin County Trailblazers addressed the City Council requesting an annual \$2,000 line item budgeted amount in either the Sidewalk Budget or the Recreation Department. Mr. McPherson said they are quasi-governmental, even though, we are a 501 (c) entity. Council President Gentle asked what a \$2,000 line item budget would buy. Mr. McPherson replied that the money helps with their costs for grant applications, portions of the sidewalk construction, kiosks and rest stations on the trail, etc.

Councilmember Quinn stated that the Trailblazers do tremendous work. They contributed money for Eastern Shore Trails and write grants. Councilmember Stankoski commented it is a wonderful return on our investments. Council President Gentle said to standby and if you haven't heard from us in a few months, then check back with the City Council. Council President Gentle told Mr. McPherson to give Jonathan Smith his name and number for Gregg Mims, Director of Planning, to contact him.

Linda Gibson, 10928 Covey Drive, Fairhope, Alabama, addressed the City Council requesting a speed bump to be installed on Covey Drive. Council President Gentle referred the request to the Street Committee to study and report back to the City Council. Councilmember Stankoski is the Chairperson of the Street Committee.

Martin Lanaux, Library Board President, addressed the City Council requesting \$75,205.98 for the Library for furniture, fixtures & equipment. Mr. Lanaux stated that some invoices dated back to March and vendors are asking for their money. Councilmember Ford asked, "How many more final bills are there going to be? Someone needs to get their spending under control. We are all for the Library, but the Bridge Loan keeps going up! Nothing has been paid back to the City."

After further discussion, Councilmember Quinn moved to grant the request and pay the \$75,205.98 out of the Bridge Loan. Seconded by Councilmember Stankoski, motion passed by the following votes: AYE – Quinn, Stankoski, Christenberry and Gentle. NAY – Ford.

John Lapeyrouse, 503 Evergreen Street, Fairhope, Alabama, addressed the City Council requesting help with the downtown parking issues. The loss of 30 parking places downtown is a problem. Are there any other projects that will exacerbate the problem with parking? Mayor Kant stated that the staff (Planning Department) is currently looking at parking issues. Another group is looking at Faulkner and issues. The City of Fairhope is looking at other alternatives for parking.

22 October 2007

Councilmember Quinn stated that she talked with Museum authorities and only 24 parking places will be taken. When will the parking deck be completed? Mayor Kant replied in January 2008. Council President Gentle said that the Hampton Inn and the Parking Deck should be finished at the same time. Councilmember Christenberry suggested using buses to downtown year round. Councilmember Quinn said she spoke with Rosie for BRATS and they were interested in working with the City of Fairhope. Council President Gentle stated we need to look into long term ideas.

Mr. Lapeyrouse stated we have congested parking and when we have tour buses approximately 48 parking places are used. He asked the City Council and the City of Fairhope to inform businesses how things will impact their business in the future.

TABULATION / RECOMMENDATION

Identification: **"AUTOMATED GARBAGE TRUCK"**

Bids open on: **Sept. 25, 2007**

at: **2:00 p.m.**

New Garbage Truck is to replace older truck in Public Works Fleet.

VENDOR:	TYPE OF TRUCK / BODY BID:	SPECIFICATIONS:	Total Price:	Delivery Date:
WARD INTERNATIONAL TRUCKS, Mobile, AL	International 7400 (2008) Labrie Helping Hand	SPECIFICATIONS MET	\$189,924.00 (Price good for 180 days to 1-yr.)	Chassis: 30-days Body: Installed after chassis delivered
TRUCK EQUIPMENT SALES, Mobile, AL	International 7400 (2008) Bridgeport Trinity	SPECIFICATIONS NOT MET	\$168,786.00 Price good for 45-days	Delivery is 150 – 180 Days
INGRAM EQUIPMENT CO, LLC, Pelham, AL	International 7400 (2008) Heil CP Python	SPECIFICATIONS NOT MET	\$170,451.00 Price good for 45-days	Delivery is 190 – 210 Business Days
ALTERNATE BID INGRAM EQUIPMENT CO, LLC, Pelham, AL	2007 Condor PRL-42E 2007 Heil CP Python	SPECIFICATIONS NOT MET	\$161,848 Price good for 45-days	Delivery is 145 – 160 Business Days

It is advised to accept the bid of **WARD INTERNATIONAL TRUCKS, Mobile, AL** with all specifications being met.

Jennifer Fidler,
Public Works Director


Clint Steadham,
Assistant Purchasing Agent

Specifications not met because of hydraulic specifications, body design and capacity, and safety features.

22 October 2007

Councilmember Christenberry moved to accept the bid of Ward International Trucks, Mobile, Alabama provided all specifications are met, for the International 7400 Automated Garbage Truck with the Labrie Helping Hand in the amount of \$189,924.00. Seconded by Councilmember Ford, motion passed unanimously by voice vote. This purchase will be funded by the General Fund Operating revenue.

There being no further business to come before the City Council, the meeting was duly adjourned at 8:08 p.m.



Robert C. Gentle, Council President



Lisa A. Hanks, Assistant City Clerk