

STATE OF ALABAMA)(
 :
 COUNTY OF BALDWIN)(

The City Council, City of Fairhope, met in regular session at 5:35 p.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Monday, January 14, 2008.

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 Assistant City Clerk Lisa A. Hanks. City Clerk Geniece W. Johnson was absent.

There being a quorum present, Council President Gentle called the meeting to order. The Pledge of Allegiance was recited, and Councilmember Christenberry gave the invocation. Councilmember Quinn moved to approve minutes of the December 20, 2007, regular meeting. Seconded by Councilmember Stankoski, motion passed by the following votes: AYE – Quinn, Stankoski, Ford, and Gentle. NAY – none. ABSTAIN - Christenberry.

Mayor's Comments and Staff Reports:

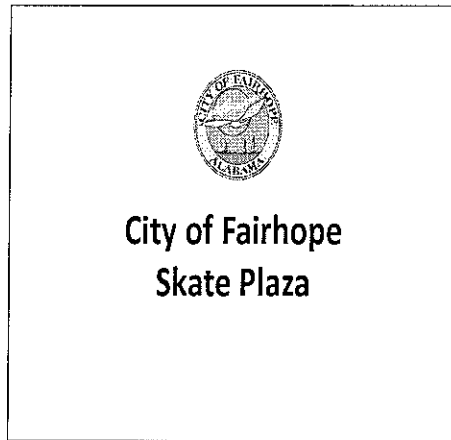
- Eddie Boyett, Director of Parks and Recreation, addressed the City Council and presented the following Skate Plaza PowerPoint presentation. No City Council action was required nor taken.

Mr. Boyett explained that there would be three (3) pads with jumps and other activities: a 60' x 60' pad, a 30' x 30' pad, and a 25' x 25' pad. The skate plaza will be approximately 4,000 to 5,000 total square feet. It will consist of sidewalks, jumps, rails, and green space.

Billy Michalopoulos, vice chairman of the Skateboard Committee, addressed the City Council and stated that the Skate Plaza was environmentally friendly and the plan was beyond what was expected. It is functional and not at all simple. He said the ledge heights need to be looked at and possibly lowered for safety reasons.


Councilmember Quinn thanked everyone who was involved in the project.

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Skate Plaza Information

Location: Volanta Avenue
just south of WC Majors Field
in the wooded area.



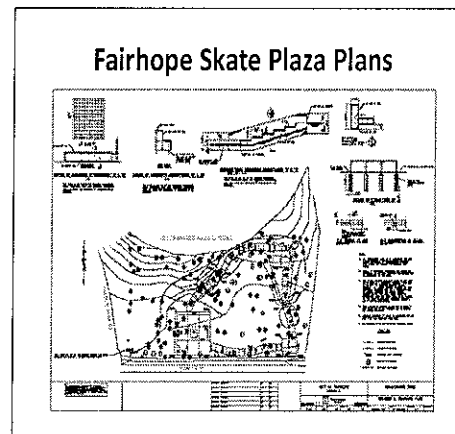
Projected completion date:
Late Spring

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Skate Plaza Funding

ADECA Grant	\$38,000
(Matching grant)	
City of Fairhope	\$38,000
Anonymous Donor	\$25,000
Total Projected Cost: \$90,000 to \$100,000	

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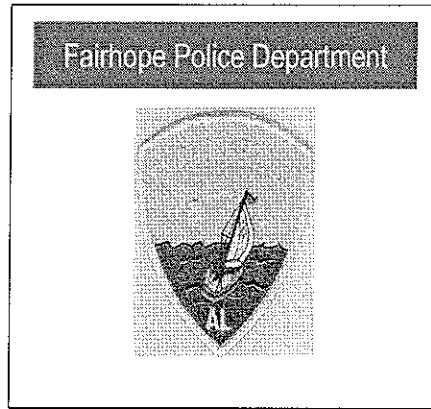


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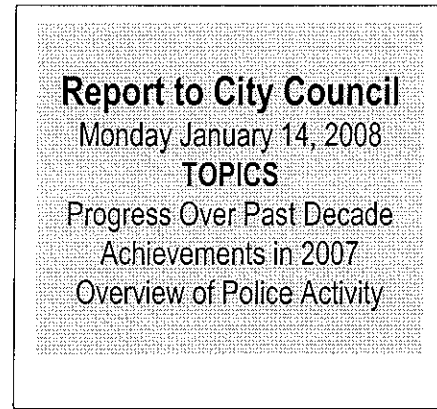
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- Assistant Administrator Craig Sawyer along with Corporal Brett Murray, of the Fairhope Police Department, addressed the City Council and presented the following Annual Report PowerPoint presentation. No City Council action was required nor taken.

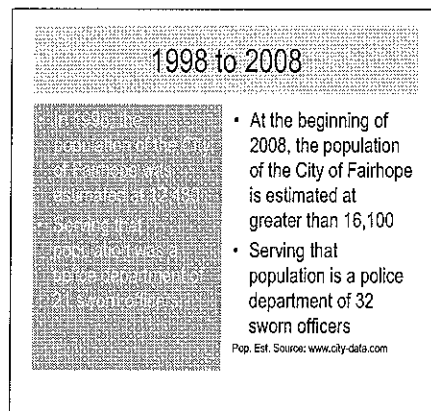
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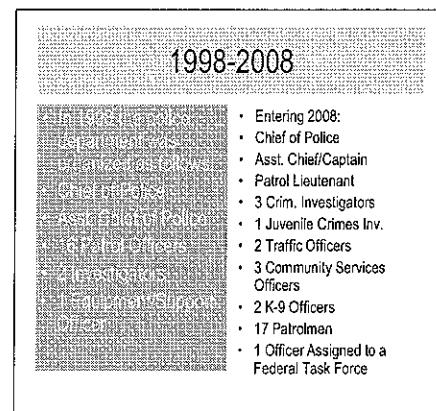
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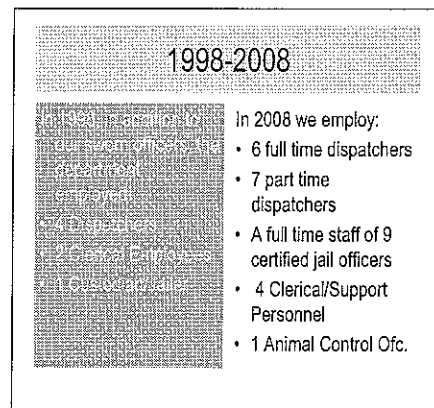
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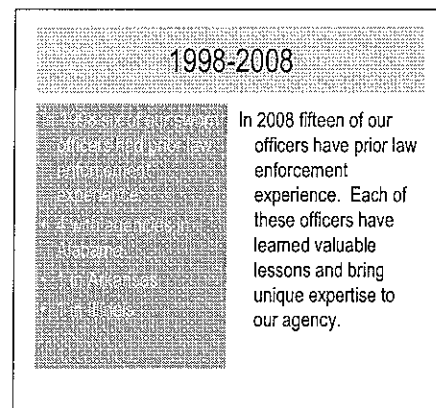
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14 January 2008

Prior Training and Experience

Mobile Police Department

Stephanie Hollinghead
Lawanda Hewitt
James Nelson




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Prior Training and Experience

Mobile County Sheriff's Office

David Martinez

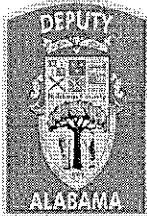


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Prior Training and Experience

Baldwin County Sheriff's Office

Fred King




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Prior Training and Experience

Foley Police Department

Larry Sledge
Heidi Loftis
David Hall




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Prior Training and Experience

Montgomery Police Department

Charles Varnado

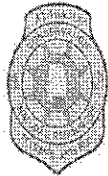


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Prior Training and Experience

Alabama Marine Resources

Heidi Loftis




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Prior Training and Experience

Bay Minette
Police Department

Turvelle Lee




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Prior Training and Experience

Gulf Shores
Police Department

John Hamrick
James Nelson




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Prior Training and Experience

Mount Morris
Police Department,
Mount Morris, MI

Mike Crittenden




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Prior Training and Experience

Los Angeles
Police Department,
Los Angeles, CA

Brett Murray

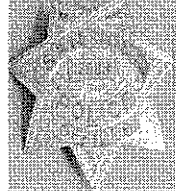


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Prior Training and Experience

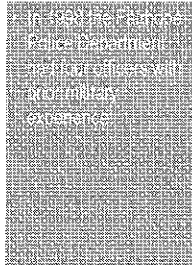
San Jose
Police Department,
San Jose, CA

Craig Sawyer



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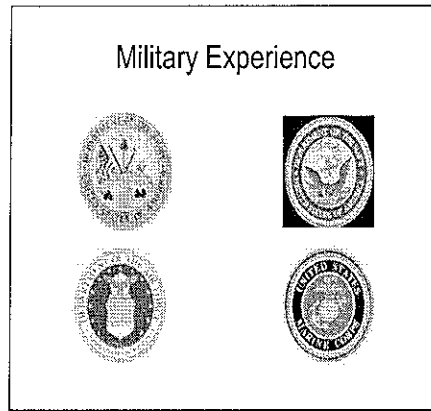
1998 to 2008



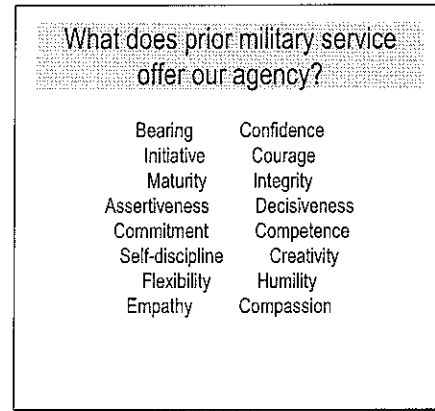
- In 2008 the Fairhope Police Department has eight officers with prior military experience.

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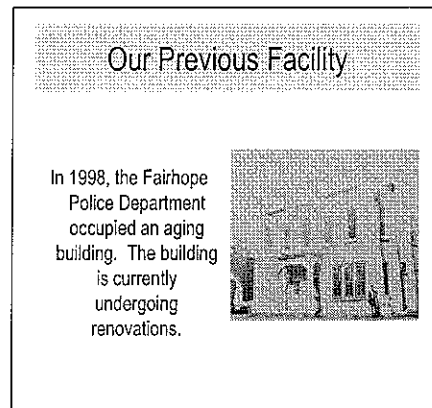
14 January 2008



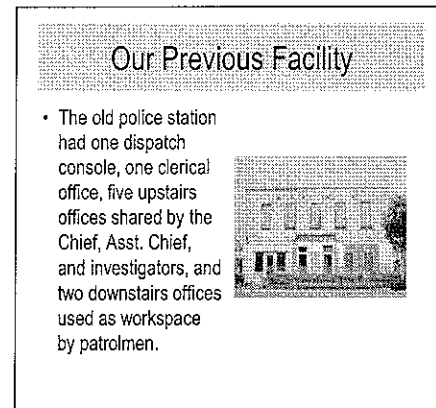
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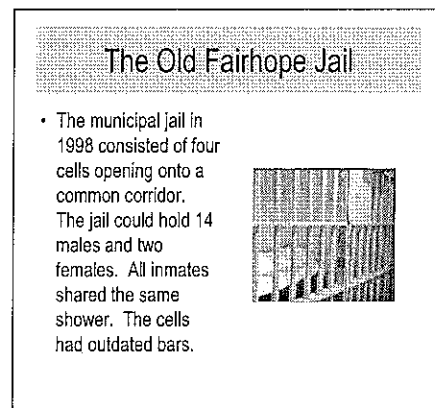
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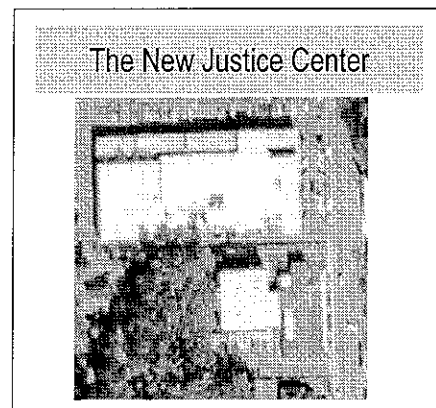
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The Police Department

Our new facility has:

- A communications center with 3 radio-telephone consoles,
- 7 cubicles for officers
- 15 offices
- Interview Room
- Class room
- A secure evidence vault



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The New Municipal Jail

The new jail is divided into five main areas:

- Booking/Processing Area
- Female Cells
- Male Cells
- Visitation/Support
- Control Pod

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The New Municipal Jail

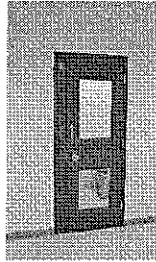
The booking/prisoner processing area has four holding cells, each with two bunks. This area also has a state of the art breath analysis machine and an advanced fingerprint scanning machine.



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The New Municipal Jail

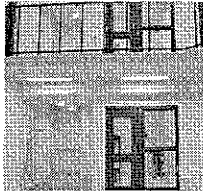
- The cell doors in our new facility are constructed using steel and Plexiglas. This type of cell is far more secure than the old style jail made with bars and these doors are a lot safer for the jail staff.



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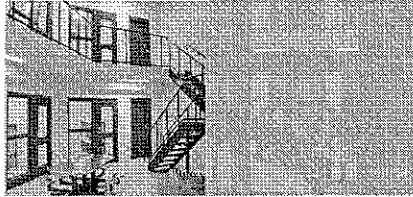
The New Municipal Jail

- There are two separate areas for inmate housing. The males and females are housed separately from each other. Each area has two levels with four cells per level and one shower on each level.



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The New Municipal Jail



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Fairhope Jail- Quick Facts

- Inmates in our jail serve sentences up to 365 days.
- In 2007 there were 2,023 persons booked into our jail.
- Our average jail population is 20 to 35 inmates.
- Inmates assigned to work status contribute an average of 80 hours of labor daily to city work projects.

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Beginning the New Year


As we enter 2008, officers with the Fairhope Police Department serve numerous roles:

- Seventeen officers are assigned to patrol
- Two officers are assigned to traffic enforcement
- Three officers are assigned to community services
- One officer is assigned to a Federal Violent Crimes Task Force
- One officer is assigned to a County Drug Task Force
- Four officers are assigned as investigators

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Volunteer Work

- The Fairhope Police Department maintains an active Police Reserve Unit and an active Law Enforcement Explorer Post.

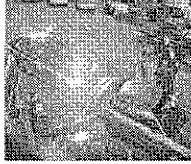


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A Summary of 2007

In 2007, Fairhope Officers issued 1,438 traffic citations, including:


- 629 speeding tickets
- 161 driving while license suspended
- 82 red light
- 52 reckless driving



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A Summary of 2007

In 2007 our officers completed 567 collision reports.



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A Summary of 2007

In 2007:

- Our officers completed 2,040 Incident/Offense Reports
- Our dispatchers answered 81,241 calls
- Our animal control officer handled 630 animal complaints

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A Summary of 2007

The Alabama Department of Public Safety tracks approximately 9,200 registered adult criminal sex offenders statewide.

On average there are 170 adult sex offenders living in Baldwin County.

There are currently 6 in Fairhope.

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Sex Offender Compliance

At times there were as many as 12 registered sex offenders in Fairhope.

However, through enforcement of Alabama's Community Notification Act, within the past 24 months the Fairhope Police Department filed charges against 9 sex offenders. They are either incarcerated, awaiting trial, or have moved.

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Continued Improvement

To remain current with the latest in police technology, procedures, and skills, our officers regularly attend professional training courses offered by the Institute for Police Technology and Management, the Public Safety Institute, the Public Agency Training Council, the Alabama Attorney General, F.B.I., Department of Homeland Security, AL Criminal Justice Information Center, U.S. Dept. of Justice, AL Bureau of Investigation, and more.

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Moving Forward

We are currently forming Fairhope's first police tactical unit, the Emergency Response Team.

The team will consist of officers who have received specialized training in tactics.

The training will benefit all officers in all aspects of responding to emergencies.

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The Need for Tactical Training

Feb. 1996- Moses Lake, Washington (Jr. HS)
 Feb. 1997- Bethel, Alaska (HS)
 Oct. 1997- Pearl, Mississippi (HS)
 Dec. 1997- West Paducah, Kentucky (HS)
 Dec. 1997- Stamps, Arkansas (HS)
 March 1998- Jonesboro, Arkansas (MS)
 April 1998- Edinboro, Pennsylvania (MS)
 May 1998- Fayetteville, Tennessee (HS)

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The Need for Tactical Training

May 1998- Springfield, Oregon (HS)
 June 1998- Richmond, Virginia (HS)
 April 1999- Littleton, Colorado (HS)
 May 1999- Conyers, Georgia (HS)
 Nov. 1999- Deming, New Mexico (MS)
 Dec. 1999- Fort Gibson, Oklahoma (MS)
 March 2000- Savannah, Georgia (HS)
 May 2000- Lake Worth, Florida (MS)

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The Need for Tactical Training

Sept. 2000- New Orleans, Louisiana (MS)
 Jan. 2001- Baltimore, Maryland (HS)
 March 2001- Santee, California (HS)
 March 2001- Williamsport, Pennsylvania (HS)
 March 2001- Granite Hills, California (HS)
 March 2001- Gary, Indiana (HS)
 Nov. 2001- Caro, Michigan (All HS)
 April 2003- Red Lion, Pennsylvania (Jr. HS)

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The Need for Tactical Training

Sep. 2003- Cold Spring, Minnesota (HS)
 March 2005- Red Lake, Minnesota (HS)
 Nov. 2005- Jacksboro, Tennessee (HS)
 Aug. 2006- Essex, Vermont (Elem./D.V.)
 Sept. 2006- Bailey, Colorado (HS/Adult Susp)
 Oct. 2006- Nickel Mines, Pennsylvania (Amish)
 Jan. 2007- Tacoma, Washington (HS)
 Oct. 2007- Cleveland, Ohio (HS)

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The Need for Tactical Training?

Is it necessary to train for this type of event?

Pray for the best,
 prepare for the worst.

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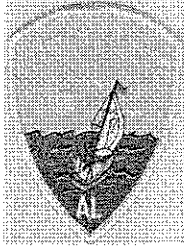
School Violence

Invariably, when the news crews interview residents after an incident of unbelievable violence, the same sentiment seems to surface:

"This was such a quiet, peaceful community. We never thought something like this could happen here."

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2007- Highlights



In 2007 we continued our practice of hiring qualified, experienced men and women to serve the City of Fairhope.

This is the 1st time in the history of our agency that we have had 3 sworn female officers.

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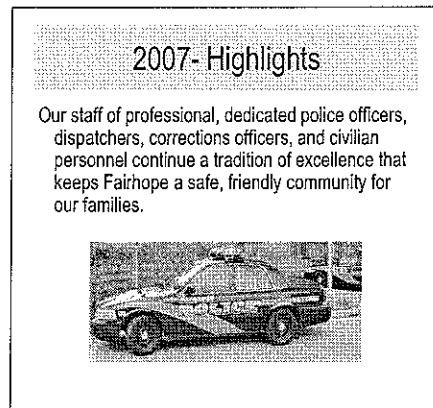
2007- Highlights

With the formation of our Emergency Response Team, we are prepared to better protect our citizen's from a wider array of criminal activity.

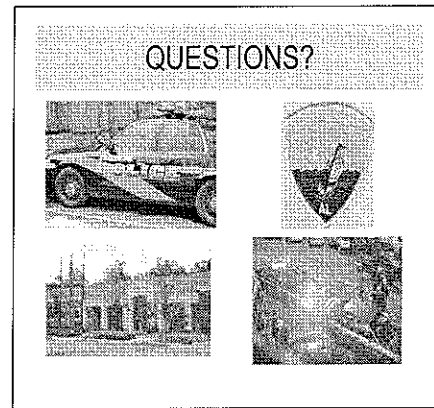
Our Reserves and Explorers continue to provide our community with valuable volunteer service.

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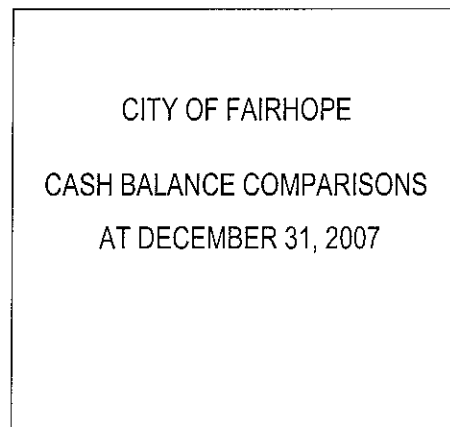
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Councilmember Quinn asked Craig Sawyer about the request she made for statistics on the police calls inside and outside the city limits. She stated that what she received was not what she had asked for. Mr. Sawyer said he would check with the Chief.

- Nancy Wilson, City Treasurer, addressed the City Council and presented the following Cash Report PowerPoint presentation. No City Council action was required nor taken.

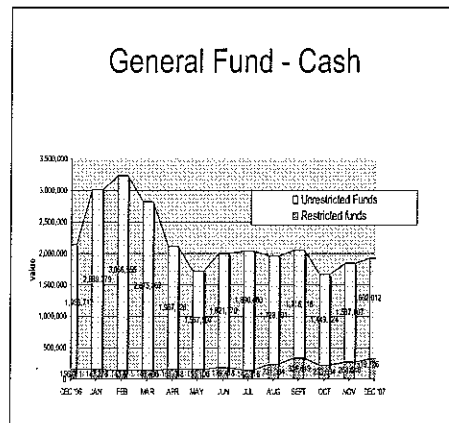


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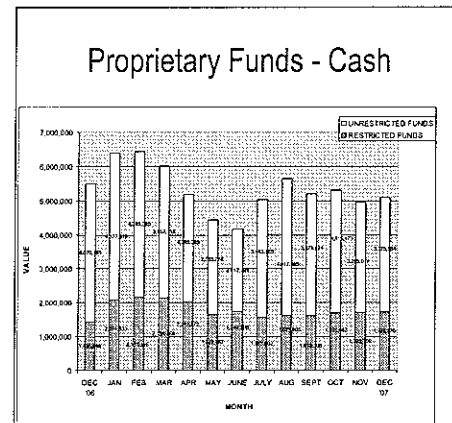
CASH BALANCE COMPARISON AT DECEMBER 31, 2007			
	CURRENT	PRIOR MONTH	PRIOR YEAR
	12/31/07	11/30/2007	12/31/06
GENERAL FUND	1,921,738	1,851,962	2,142,738
GAS FUND	630,472	618,159	643,919
ELECTRIC FUND	1,867,954	1,775,106	2,308,450
WATER FUND	4,914,398	4,711,434	3,878,191
GOLF FUND	130,265	165,090	113,316
GAS TAX FUND	331,475	319,714	279,424
CAPITAL PROJECTS (INCLUDES LIBRARY PROJECT ACCOUNT)	3,829,311	3,827,581	245,331
TOTAL - ALL FUNDS	13,625,633	13,270,046	9,511,369
SINKING FUNDS	2,440,699	2,327,596	1,444,488
WARRANT FUNDS	4,147,502	4,132,886	663,161
TOTAL-EXCLONG SINKINGWARRANTS	7,837,432	6,809,564	7,503,680

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Aubrey Fuller and Ms. Karen Moore, with Baldwin County Electric Membership Corporation, presented Mayor Timothy M. Kant with their annual business license check. The check was in the amount of \$71,071.38 representing a percentage of BCEMC's business revenues within the City Limits of Fairhope and representing a percentage of BCEMC's business revenues in the police jurisdiction.

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 Eastern Shore Affordable Houses, Inc. to R-3 High Density Single Family Residential concurrent with annexation. The Planning & Zoning Commission recommended approval of this ordinance. This property is generally located at the end of New Era Drive, Fairhope, Alabama. **St. Joseph's Way.**

Jonathan Smith, Planner, explained the proposed ordinance:

STAFF INTERPRETATION:

Application History: The applicant requests to zone the property to R-3 High Density Single Family District, conditional upon annexation into the City of Fairhope. The applicant is Eastern Shore Affordable Housing, a non-profit organization focusing its efforts on affordable housing.

The issues associated with this request are as follows:

Comprehensive Plan: This request is not contrary to the Comprehensive Plan which encourages efforts of affordable housing and community economic diversity.

Lots: The property consists of 4 building sites currently and the applicant is requesting the lot be subdivided into 7 lots. The R-3 zoning allows for lot sizes of 7800 sf.

Adjacent Properties: Adjacent properties are unzoned to the north, east, south, west of the site. Properties, located to the north east and north west, are zoned R-1 (Low Density Single Family Residential District).

Property Size: The property to be annexed is 1.97 acres. Density is 3.55 lots per acre.

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PLANNING COMMISSION RECOMMENDATION:

The application was heard on November 5, 2007. The Planning Commission voted unanimously to recommend approval.

Respectfully Submitted for Consideration,

Nancy Milford
Planner
City of Fairhope

B. Gregg Mims
Planning Director
City of Fairhope

Council President Gentle opened the Public Hearing at 6:14 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:14 p.m.

In order to take immediate action Councilmember Christenberry moved for immediate consideration. Seconded by Councilmember Stankoski, motion passed 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. 1350. Seconded by Councilmember Ford, motion for final adoption passed unanimously by the following voice vote: AYE - Quinn, Stankoski, Christenberry, Ford and Gentle. NAY - none.

Jonathan Smith, City Planner, addressed the City Council to explain the Site Plan Review of property owned by Arthur Corte. Located on the southeast corner U. S. Highway 98 and Parker Road, Fairhope, Alabama for a proposed Fairhope Village at Fly Creek.

STAFF INTERPRETATION:

The subject property is the first commercial phase of the Fly Creek PUD (Planned Unit Development). The Fly Creek PUD was approved by the City Council on October 23, 2006.

The Site Plan includes four proposed buildings. A 54,340 square foot grocery store is proposed, including three smaller buildings reserved for retail development (Shops 1 – 9,800 square feet, Shops 3A and 3B – 11,000 square feet split between two floors). Four (4) sided architecture will be incorporated throughout the Fly Creek development.

The project is in compliance with the City's drainage standards. Drainage calculations and structures have been designed to accommodate a one hundred (100) year storm event.

The property is bordered to the east by the remainder of the Fly Creek PUD property. West there is U.S. Highway 98 and B-2 (General Business) property, north lies R-1 (Low Density Single Family Residential), B-2 and un-zoned property, and south there is R-2 (Medium Density Single Family Residential) property.

Issues Associated with this Request:

Lakes: The Fly Creek PUD package labeled the "lakes" shown on the Outline Development Plan as site amenities. The proposed site plan currently shows a one (1) acre dry detention pond in the place of where an approximate five (5) acre "lake" is on the Outline Development Plan. The applicant should build the one (1) acre detention pond as a wet pond that can be expanded to accommodate future development phases.

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Sidewalks: Sidewalks on the southwest portion of the property shall be added to the Landscape Plan, as shown on the Overall Site Plan. The sidewalk along Greeno Road should extend north to Parker Road.

Parking Lot: The proposed site plan exceeds the City's parking requirements by approximately 80 spaces. At least twenty-five percent (25%) of the parking lot should be constructed of pervious materials. Additional landscaping should be added to the large parking area to provide for additional green space and facilitate ease of pedestrian movement.

Trees: Per the City Horticulturalist (Jennifer Fidler), all trees shall be two-inches in (2") caliper.

Drainage: Per an outside agency drainage engineering review, pipe number fourteen (#14) should be upgraded to a forty-two inch (42") or possibly a forty-eight inch (48") pipe.

Entrance Medians: Median areas within the southernmost street going east and west should be landscaped rather than striped. In a meeting with staff on November 26, 2007, the applicant agreed to this condition.

Site Clearing: All buffer areas shall be marked with tree protection fencing prior to any land disturbance of building permit. Any clearing within the right of way shall be approved by the City's Horticulturalist, Jennifer Fidler.

Architectural Features: The articulation of the "big box" grocery store is very important. The box should be broken up to make it appear to be three or four separate buildings.

STAFF RECOMMENDATION TO THE PLANNING COMMISSION:

The submitted site plan is in substantial compliance with the PUD Approval granted by the City Council on October 26, 2007. The Staff recommends approval of the Fairhope Village at Fly Creek Site Plan contingent upon the following conditions:

1. The dry detention pond on the site plan shall be changed to wet detention pond that can be expanded to accommodate future development phases.
2. Sidewalks on the southwest portion of the property shall be added to the Landscape Plan, as shown on the Overall Site Plan. The sidewalk along Greeno Road shall extend north to Parker Road.
3. At least twenty-five percent (25%) of the parking lot shall be constructed of pervious materials. Additional landscaping shall be added to the large parking area.
4. All trees shall be two-inches in (2") caliper.
5. Pipe number fourteen (#14) shown on the Drainage Plans shall be upgraded to a forty-two inch (42") or possibly a forty-eight inch (48") pipe. This determination will be made by the Fairhope Village at Fly Creek site engineer and City staff prior to the issuance of any land disturbance or building permits.
6. Median areas within the southernmost street going east and west shall be landscaped rather than striped.
7. All buffer areas shall be marked with tree protection fencing prior to the issuance of any land disturbance or building permits. Any clearing within the right of way shall be approved by the City's Horticulturalist, Jennifer Fidler.
8. Compliance with all City Ordinances and Codes.

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9. Approval by the Planning Staff of the architectural design of the "big box" space to reflect the appearance of multiple store fronts.
10. All outside agency approvals and permits shall be submitted prior to the issuance of a building permit.
11. Approval of the intersection improvements at the intersection of Highway 98 & Parker Road by Alabama Department of Transportation and the City of Fairhope.

PLANNING COMMISSION RECOMMENDATION:

On December 3, 2007 the Planning Commission voted unanimously to recommend approval of the Fairhope Village at Fly Creek Site Plan, subject to Staff Recommendation with the added condition:

1. **The fifty-foot (50) buffer north of the new entrance to the project off of U.S. Highway 98, and the forty-foot (40) buffer that runs east from the intersection of Parker Road and Highway 98 to the new project entrance on Parker Road shall remain undisturbed during construction. Supplemental plant materials approved by the City Horticulturalist will be planted within the buffer areas for visual buffering and aesthetical purposes prior to the issuance of a Certificate of Occupancy.**

Respectfully Submitted for Consideration,

Jonathan I. Smith
Planner
City of Fairhope

Gregg Mims
Planning Director
City of Fairhope

Councilmember Quinn asked how the buffer area between the proposed area and Greeno Road would not be touched. There is a proposed sidewalk to be installed.

Gregg Mims, Planning Director, replied that the sidewalk would meander through the trees. Other areas, if being touched, would require the builder to meet with Jennifer Fidler, Public Works Director and Horticulturist, to decide how to proceed.

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

Councilmember Stankoski, Chairman of the Street Committee, addressed the City Council stating that there are three Street Committee items, where speed bumps were requested, that need to be finalized. He introduced Sgt. James P. Davis of the Fairhope Police Department, who conducted the traffic surveys on Live Oak/Maple, Covey Drive, and Hollowbrook Avenue.

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Sgt. Davis explained the traffic survey findings on Live Oak/Maple. He said the survey was conducted from November 26, 2007 through November 30, 2007 with a total of one hundred six hours. Eighty-six to eighty-eight vehicles passed through this area with an average speed of twenty-six to twenty-seven miles per hour. There were no problems observed with the traffic flow or with speeders. There were no citations of any kind written in this area to warrant the need for a speed bump to be installed.

Councilmember Quinn asked about the signs that were to be placed on Live Oak and Maple: "Slow Children at Play" and "No Construction Trucks." Jennifer Fidler, Public Works Director, replied that the signs were put up, but then taken down. The signs stated "No Trucks" and did not specify "Construction Trucks".

After further discussion, Councilmember Quinn moved to accept the recommendation of not installing a speed bump and to put back the "Slow Children at Play" and "No Construction Trucks" signs. Seconded by Councilmember Stankoski, motion passed unanimously.

Sgt. James P. Davis explained the traffic survey findings on Covey Drive. He said the survey was conducted from October 25, 2007 through October 29, 2007 with a total of ninety-seven hours. Five hundred seventy-seven to six hundred fifty-seven vehicles passed through this area with an average speed of twenty-seven to twenty-eight miles per hour. There were no problems observed with the traffic flow or with speeders. There were no citations of any kind written in this area to warrant the need for a speed bump to be installed.

Councilmember Stankoski moved to accept the recommendation of not installing a speed bump. Seconded by Councilmember Christenberry, motion passed unanimously.

Sgt. James P. Davis explained the traffic survey findings on Hollowbrook Avenue. He said the survey was conducted from December 18, 2007 through December 21, 2007 with a total of seventy-six hours. Four hundred sixty-two to four hundred seventy-six vehicles passed through this area with an average speed of twenty-eight miles per hour. There were no problems observed with the traffic flow or with speeders. There were no citations of any kind written in this area to warrant the need for a speed bump to be installed.

Councilmember Quinn moved to accept the recommendation of not installing a speed bump. Seconded by Councilmember Ford, motion passed unanimously.

14 January 2008

Councilmember Stankoski told the citizens making the request that they were welcome to look at the traffic studies which are kept in the City Clerk's office. Councilmember Christenberry mentioned that there was one hundred percent participation from the Covey Drive petitioners. This shows they are concerned about the speeding problem and safety issue for children.

Councilmember Quinn addressed the City Council and discussed the K-1 Center parking issue. The following is text from the January 4, 2008 e-mail Councilmember Quinn sent to the City Council:

I met today with Mike Keating, the principal, assistant principal of the K-1 Center and Ken Eslava and walked Summit Street behind the K-1 Center. They are very willing to let us paint the striping on the asphalt. We would like to place a sign going south on the fencing of Summit behind the K-1 Center that it will only be 1-way going South between hours of drop off and pick up with school traffic. With parallel parking on the east side and angled on the west side of the street (47 new spaces) and school traffic lined up on the north bound lane, it only makes sense for the traffic to be going one way during those specific hours.

The BCBE will place a bid out for possibly re-paving the old Tennis Courts. They will talk with USA about going in 1/3, BCBE 1/3 and possibly the City 1/3 to have it re-asphalted and lined with specific ingress and egress areas; right now it's a free for all. The City will offer to place concrete bumpers between the tennis area and new angled area to keep the two separate and along the south side of the tennis area where the bus gas pump is now.

Ken will have an updated map for the next council meeting and possibly Mike Keating will have the cost of an estimate of new asphalt by then so that we can decide if we want to go in on the cost 1/3. I think it will make it a much more effective parking area with the new asphalt and restriping.

We did discuss the teachers parking behind the school...there is no way to make them do it. The school does encourage it, but it can't be enforced.

Council President Gentle stated the City Council should proceed with the plan and asked Councilmember Quinn to continue her meetings with Mike Keating and others involved. Mayor Kant stated that the parking area must be brought up to the City landscape rules. Councilmember Stankoski asked if this is temporary, "why not put something pervious?" Councilmember Quinn replied that it may cost more for pervious parking rather than asphalt. Councilmember Christenberry said he would like for the City to look at pervious, not asphalt due to the gully. Councilmember Ford asked if they were adding to the east side. Councilmember Quinn replied this is a one way drop off and pick up zone with signs specifying the hours this will take place.

14 January 2008

Councilmember Ford addressed the City Council and discussed the County's wetland/zoning in the unincorporated areas of the County within Fairhope's zoning jurisdiction. Councilmember Ford gave an example of a forty acre piece of land having a grading pond on one end and the County can zone it as wetlands just because of that small pond. The zoning issue pertains to the County being able to zone your piece of property even if it is in Fairhope's jurisdiction. This is infringing on private property rights. The County could condemn a whole piece of land because of one bad part of the land.

Councilmember Ford stated that Gregg Mims, Planner Director, and Chris Gill, Counsel for the City of Fairhope, met with the County regarding the 1991 Planning Jurisdiction Agreement between the Baldwin County Commission and the City of Fairhope and the County's efforts to initiate land use management regulations in flood prone areas of Baldwin County in accordance with Chapter 19 of Title 11 of the Alabama Code.

Mr. Mims said both of us have subdivision regulations: some are the same and some are different. An example given was the subdivision regulations for road width which are different for each entity. The County intends to permit everything in the flood prone areas. We need to work out an agreement on subdivisions, have a County engineer review agreement and send back, and the City could incorporate in our plans.

Councilmember Christenberry mentioned the City and County have overlapping zoning. The flood prone issue is a gray area. There is a vote tomorrow. It seems to me that the Mayors could get together and help alleviate some of this. Mayor Kant said he had hoped staff could have settled this issue. Councilmember Quinn stated that the City has to be at the table with them. Councilmember Ford mentioned the City provides services throughout the jurisdiction. Mayor Kant said we have some concerns and need to write a letter to enforce the 1991 agreement, Hand Arendall's letter, and ask the Commission to not move forward unless we are notified. Councilmember Christenberry said he wants the County to get an Attorney General's opinion.

After further discussion, Councilmember Quinn moved to authorize Mayor Kant to write a letter to the Baldwin County Commission requesting them to abide by the 1991 Planning Jurisdiction Agreement between the Baldwin County Commission and the City of Fairhope and respond to the Hand Arendall letter dated September 4, 2007. Seconded by Councilmember Ford, motion passed unanimously.

14 January 2008

Randy and Vivian Weaver, Fairhope Yacht Club, addressed the City Council and presented the City of Fairhope with an artwork gift, produced by Blanche Sumrall, for the 50th Annual Dauphin Island Race; Number 13 of 150 copies.

Then, Mr. and Mrs. Weaver addressed the City Council requesting permission to use the parking lot at one of the City's facilities (facility unknown at this time) for the 50th Dauphin Island Race, which will be held on April 25th, 26th, and 27th, and a variance in the sound ordinance to accommodate a large party to be held at the club on Friday night April 25th from 10:00 p.m. until 11:00 pm. Councilmember Christenberry moved to grant the request of Vivian and Randy Weaver. Seconded by Councilmember Quinn, motion passed unanimously.

Mayor Timothy M. Kant exited the dais at 7:00 p.m.

Mrs. Weaver also mentioned the need for blocking 1/2 of Volanta Friday morning. Council President Gentle informed the Weavers they need to contact the Police Department regarding street blockage.

Mary Thweatt, Director of the Center for Autism & Asperger Resources, Inc. addressed the City Council requesting the City of Fairhope to help sponsor the Autism Recognition Response and Risk Management training for police officers and other emergency professionals by contributing \$500.00. Council President Gentle referred the request to the Captain Steve Griffis of the Fairhope Police Department and he will work with the City Council.

Tony Caminiti addressed the City Council regarding the Fairhope Men's Church Softball League and read the following letter:

14 January 2008

Fairhope Church League Status Report

Tony Caminiti President, Fairhope Men's Church Softball League

I asked for time tonight to officially notify the City Council of the intentions of the Fairhope Men's Church Softball League to play the 2008 season on the Daphne fields at Trione Park, instead of the Fairhope fields in Barnwell.

We will be moving the League in-tact and will play inter-league games with the Daphne Church League. We currently have 8 teams, the managers of which voted 6 to 2 to move to Daphne. One additional team moved prior to the start of the 2007 season. If the League were to play in Barnwell this year we would lose 2 or 3 more teams.

The first and foremost reason for the dissatisfaction of using the Barnwell Fields is the location and the size of the complex in Barnwell. Because of those two factors we lost most importantly the fellowship of the church families coming to root for the players and their churches – the fellowship of the players playing on 4 fields, and the scheduling problems of playing two nights a week because of only two fields. We had about 24 forfeits mostly Tuesday nights last year.

While these are the primary reasons for the move, there were other contributing factors that made the 2007 season more difficult.

The City – seemingly indifferent or unable to have the complex ready not only for preseason practice but also opening day.

14 January 2008

The Move - to Barnwell was discussed and planned in summer 2006. The season was to start March 12, 2007 and delayed until March 19th.

Lighting

- ❖ Lights on field #2 put up the week before original season March 12
- ❖ Lights not aligned for 5 weeks into season
- ❖ Light poles on field #1 not straight for entire season
- ❖ Dangerous – outside breaker switch not placed until 5 weeks into season. Open breaker box in EL.room to turn lights on.
- ❖ 53 lights on field #1 – 36 lights on field #2- needed 42 each. Shadows on field #2 entire season.

Bathrooms

- ❖ Not ready until week before original season start.
- ❖ Men's room urinal 30" high – no door knob in stall door (open hole)
- ❖ Ladies room two stalls – door knobs – no locks (toilet 6' back)

Mosquitoes

- ❖ Very bad for four weeks plus

Concession Stand

- ❖ Twice the time less money with two fields

8 church's @average 18 players per roster =144 families plus

We fully understand that 8 church teams and 144 families might not be as significant numbers as other leagues and their families and we realize were at the bottom of your league priority list. But we are at the bottom because you've put us at the bottom and have for a long time. If the church league is to grow the current situation must change. So with regrets and for the sole purpose of the survival of the Fairhope Church League, we will play the 2008 season in

14 January 2008

Daphne and until the city of Fairhope is able to provide better conditions for church softball and what it stands for...

- ❖ Intentional evangelism
- ❖ Fellowship among our community churches
- ❖ Pride in our city and our own church
- ❖ Recreation in a Christian atmosphere

Thank you,

Tony Caminiti
President Men's Church Softball
Fairhope, Alabama

Mr. Caminiti mentioned that ten or more times he had to switch on the breaker with no cover on it. He said that volunteers are the backbone of the community. The City has other priorities and we are at the bottom.

14 January 2008

Councilmember Ford told Mr. Caminiti that this was the first he had heard of it. Mr. Caminiti's response was that he had talked with Councilmember Ford regarding the breaker box and it was put off three weeks because someone was out. These issues were put through the proper channels of the City. The City Council needs to look into it to find out why this wasn't corrected.

Council President Gentle stated on behalf of the City of Fairhope, we apologize and will get you an answer.

Debra Green addressed the City Council regarding environmental concerns with the alterations to approved site plan of the Gayfer/Greeno Medical Facility. First, Mrs. Green told the City Council that they have been very gracious to her every time she has come before them. Mrs. Green handed out the following letter dated January 14, 2007 and requested it to be introduced into the minutes:

14 January 2008

Council Minutes

January 14, 2007
Fairhope City Council
RE: Environmental concerns
Alterations to Approved Site Plan
Gayfer/Greeno Medical Facility

Honorable Council Members:

Despite the fact over 300 citizens of this community were in opposition to a proposed development, on February 12, 2007, the Fairhope City Council, under unanimous vote, approved the Gayfer/Greeno Medical Park. On a positive note, the developer and the Planning Department have worked with residents to relocate the Gayfer Avenue ingress/egress further west. With assistance from the Public Works Director and the Environmental officer, we have managed, entirely by accident, to save the natural screen buffer and great effort is being made to control construction runoff. However, residents are now facing an extremely serious problem regarding further endangerment and damage to an already fragile environment along the Volanta Ingleside Gully, (VIG, very important gully). We are asking the City Council to return the permeable pavers, encompassing 38% of the entire PUD, which have been completely replaced by asphalt.

The approved site plan included permeable concrete pavers over the entire parking area. During a November 6, 2006 public hearing, Mike Warrington of BES Engineering, stated the permeable pavers would be used in order to decrease the storm water runoff into the Volanta Ingleside Gully by half that of asphalt.

On September 19, 2007, residents of the communities most affected by the development were informed, during a much appreciated City sponsored public meeting, asphalt, not permeable pavers, had been substituted and "approved" for the entire parking area, again comprising 38% of the PUD. The explanation for such a significant alteration was pavers selected for the project did not meet with Article A4.5.1 of the ADA (Americans with Disabilities Act) for newly constructed Orthopaedic Medical Offices. Further, according to statements from Ms. Deborah Stewart and Mike Warrington, pavers in compliance with ADA requirements, were simply too costly. We requested; however, never received detailed information regarding the original pavers, which would have included dates of selection.

The planning process was lengthy. All formalities were required to have been in place prior to City Council approval. A consulting firm, specializing in medical facilities, an engineering firm, which now serves as a consultant for the City of Fairhope and the very capable Director of Planning, were all involved. We cannot imagine such an important component was accidentally overlooked. Only after the second group of medical professionals pulled out of the project, was it discovered the pavers did not meet with ADA requirements. Should other medical groups construct an office complex on this PUD, as Phase I was approved for two buildings, it is beyond our comprehension how they would be held to the same ADA standards. Therefore, we find the use of asphalt in place of the pavers very suspicious.

14 January 2008

January 14, 2007
 Fairhope City Council
 RE: Environmental concerns
 Alterations to Approved Site Plan
 Gayfer/Greeno Medical Facility
 Page 2 of 4

Further, this decision was made administratively. In order for such significant changes be made to a PUD, in accordance with Article II of the Fairhope City Ordinance, proper procedures were not implemented. As outlined in the City Ordinance, this issue was required to be resubmitted to the P&Z for consideration, and returned to the City Council for final approval. Although the governing bodies may have deemed additional underground storm water storage tanks and asphalt a viable alternative, we will never know. However, since this development has met with such opposition, it is doubtful official and formal approval would have been granted, particularly in light of Mr. Warrington's comments regarding the runoff.

The City Planner has the authority to make certain changes to an approved site plan and PUD; however, this authority is limited.

In accordance with Zoning Ordinance Article II/C/2(f) Site Plan Approval: Modifications in substantial conformance with an approved site plan may be approved by the Director of Planning and Building if they meet the following conditions:

1. The modification addresses actual site conditions that were not anticipated in the reviewed site plan.
2. The modification meets the intent of the site plan standards in an equivalent or improved manner than the original site plan; and
3. The modifications results in no greater impact on adjacent property than the approved site plan

According to Article II/C/2(f) 4, there were no conditions that were not anticipated. According to Article II/C/2(f)5, the modification does not meet the site plan standards in an equivalent or improved manner than the original site plan. According to Article II/6, this "administrative" decision imposes a greater impact on adjacent property in that private property is threatened by increased erosion to an already fragile environment.

In accordance with Zoning Ordinance Article V/A/7 PUD: Changes or amendments to a PUD shall be processed in the same manner as the original request. Slight changes in the detail of the PUD that do not change the intent, meaning, relationship of structures to each other may be approved by the Director of Planning and Building

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Fairhope City Council
RE: Environmental concerns
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1. intent: Not defined under definitions and interpretations A IX Sec C/Defined Terms
2. meaning: Not defined under definitions and interpretations A IX Sec C/Defined Terms
3. relationship: Not defined under definitions and interpretations A IX Sec C/Defined Terms
4. structure: Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground as defined under A IX Sec C/86/Defined Terms
5. parking space/parking lot: an area reserved for temporary storage of motor vehicles as defined under A IX Sec C/83/Defined terms

In accordance with the definitions outlined in the City Ordinance, although the Director of Planning does have the authority to make slight changes in structures, by no stretch of the imagination can paver, parking lot or parking space, be interpreted as a structure. We have discussed this at length with numerous outside authorities including City Planners, members of various Planning and Zoning Commissions and Attorneys.

We have also made unsuccessful attempts to resolve this issue through personal conversations and written communications with our own elected officials, members of the Fairhope P&Z Commission and the City Planning Department.

Prior to this development, all of us living within the immediate area of the Volanta Ingleside Gully were already facing numerous environmental issues, some of which the City has allowed. We commissioned a very expensive environmental study of our area which support our claims. In addition, this medical facility and all future developments allowing drainage into the gully affect everyone from Greeno Road to Mobile Bay. Further, we are aware of litigation against the City regarding damages to private property along this watershed. The permeable pavers were intended to deter as much environmental damage as possible, yet they have disappeared.

Unfortunately, decisions such as this imply our Elected Officials serve at the pleasure of the developer. The use of asphalt only further symbolizes unacceptable cost saving measures implemented in order for the developer to save money.

14 January 2008

January 14, 2007
 Fairhope City Council
 RE: Environmental concerns
 Alterations to Approved Site Plan
 Gayfer/Greeno Medical Facility
 Page 4 of 4

You have all voiced your concern regarding the future of our City and it is our hope you will take every precaution necessary in order to protect all aspects of Fairhope's sensitive environment. Therefore, we respectfully request the City Council provide an explanation as to how asphalt has been inappropriately allowed as a substitute, and return the permeable pavers to the project, as approved. We further request your immediate individual comments regarding this issue.

We thank you for your consideration and further request this document be made part of the official Minutes of this January 14, 2008 City Council Meeting.

Respectfully submitted,

Debra and Bobby Green 415 Maple Street Fairhope AL 36532 928-9409	Maria and Robbie Gwynn 754 Evergreen St Fairhope, AL 36532 928-1117	Karin and Robert Hutchins 756 Evergreen Street Fairhope, AL 36532 928-6572
Lillian Green 415 N. Greeno Rd. (Maple St. Residence) 990-9636	Ron Ross 811 Gayfer Ave. Fairhope, AL 36532 990-9115	Paul Nix 811 Gayfer Ave Fairhope, AL 36532 990-9115

Bob Hasewinkie
 Jeanne O'Connell
 724 Holly Dr.
 928-2055

Mrs. Green thanked Jennifer Fidler and Kim Burmeister for their help with this problem. Council President Gentle told Mrs. Green that he would get a letter of explanation of why the permeable pavers were substituted with asphalt. He stated that the City Council is prohibited by State law to interfere with planning. The City Council is here to vote for or against actions for the City of Fairhope. Council President Gentle said he would check into this issue and respond back to Mrs. Green. If there is a wrong done, I will correct it.

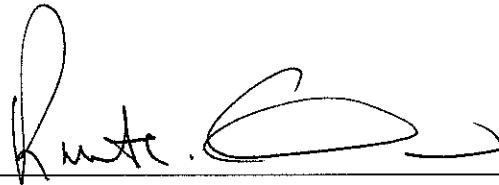
14 January 2008

Councilmember Stankoski moved to accept the State of Alabama Bid Number T191L including specifications determined by the Fairhope Police Department, for five (5) Ford Crown Victoria police cars in the amount of \$104,495.00. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote. This purchase will be funded by the General Operating Funds.

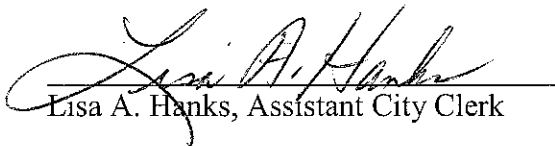
Councilmember Christenberry moved to pay bills as presented. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

Hop Allen addressed the City Council and asked who would have the liability on the K-1 Center parking lot. Councilmember Quinn replied the Baldwin County Board of Education.

There being no further business to come before the City Council, the meeting was duly adjourned at 7:30 p.m.



Robert C. Gentle, Council President



Lisa A. Hanks, Assistant City Clerk

STATE OF ALABAMA)
 :
COUNTY OF BALDWIN)(

The City Council, City of Fairhope, met in Work session at 8:00 a.m., in the City of Fairhope Conference room, 161 North Section Street, Fairhope, Alabama 36532, on Friday, January 18, 2008.

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 Assistant City Clerk Lisa A. Hanks. City Clerk Geniece W. Johnson was absent.

There being a quorum present, Council President Gentle called the meeting to order.

The following action took place:

18 January 2008



January 18, 2008

Timothy M. Kant, C.M.O.
Mayor

Cecilia W. Johnson, C.M.C.
City Clerk

Nancy K. Wilson, CPA
Treasurer

Council Members

Cecil Christenberry

Michael A. Ford, A.C.M.O.

Robert C. Gentle, C.M.O.

Debra W. Quinn, A.C.M.O.

Daniel R. Stankoski

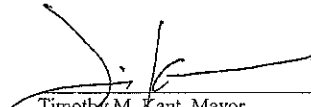
Council President Gentle
City Councilmembers

As Mayor of the City of Fairhope I hereby request on behalf of Marion E. Wynne City Attorney that the Fairhope City Council go into Executive Session to hear an update of all the legal issues (current and pending).

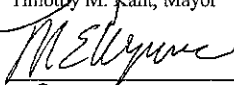
City Attorney Wynne does hereby declare that the City Council of the City of Fairhope rise from a Work Session meeting, on Friday, January 18, 2008, to go into Executive Session.

The City Council shall be in Executive Session for approximately 30 minutes (~~hours~~). At the end of the Executive Session the City Council shall return the City Hall Conference Room to resume the Work Session meeting.

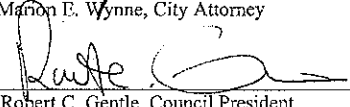
The time is 9:00 AM - City Council exits the City Hall Conference Room to go into Executive Session.



Timothy M. Kant, Mayor



Marion E. Wynne, City Attorney



Robert C. Gentle, Council President

16 F. North Sention Street

P.O. Drawer 429

Fairhope, Alabama 36533

251-938-2136

251-938-5776 Fax

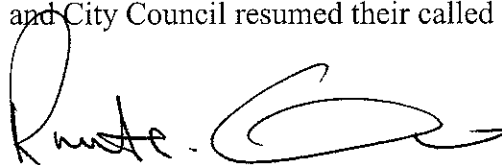
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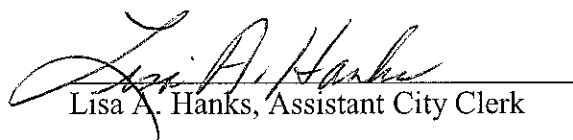
18 January 2008

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

The City Attorney, Mayor Kant, and City Council resumed their called Work session at 9:37 a.m.

A handwritten signature in black ink, appearing to read "Robert C. Gentle", written over a horizontal line.

Robert C. Gentle, Council President

A handwritten signature in black ink, appearing to read "Lisa A. Hanks", written over a horizontal line.

Lisa A. Hanks, Assistant City Clerk