

STATE OF ALABAMA)
 :
 COUNTY OF BALDWIN)(

The City Council, City of Fairhope, met in regular session at 5:30 p.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Monday, 9 June 2008.

Present were Council President Robert C. Gentle, Councilmembers: Debbie W. Quinn, Daniel Stankoski, Cecil Christenberry, and Michael A. Ford, Mayor Timothy M. Kant, and Assistant City Clerk Lisa A. Hanks. City Attorney Marion E. Wynne was absent.

There being a quorum present, Council President Gentle called the meeting to order. The invocation was given by Councilmember Stankoski. The City Council and audience bowed their heads in a moment of silent prayer in remembrance of the late Geniece W. Johnson. She served as City Clerk for 11 years. The Pledge of Allegiance was recited. Councilmember Christenberry moved to approve minutes of the May 27, 2008, regular meeting. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Sherry Sullivan made the following announcements:

- Fairhope offers walking tours in June. In conjunction with the Alabama Department of Tourism, the City of Fairhope will offer walking tours on each Saturday in June. All tours begin at 10:00 a.m. from the Fairhope Welcome Center and are free of charge. For reservations or information call 929-1466.
- Fairhope resident and local philanthropist Doris Chennell passed away this weekend. Ms. Chennell was instrumental in the building and furnishing of the James P. Nix Center. A memorial service will be held for Ms. Chennell at the Nix Center on Wednesday, June 11 at 11 a.m. in the Doris Chennell Room.

Mayor's Comments and Staff Reports:

- Mayor Kant said that Geniece Johnson was a very good and dedicated employee. In 1993, she was hired as Deputy City Clerk under Evelyn P. Philips and then appointed City Clerk in 1997. She is truly going to be missed. At a later date, we are going to invite her family to come for a presentation honoring Geniece.

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- Mayor Kant addressed the City Council and mentioned that AT&T wants to get into competition with Mediacom. We have been working on this agreement for several months and it will be a 5% franchise agreement. He asked the City Council to please read over the agreement and if you have any questions please get in contact with either Gregg Mims or myself.

Diane Burnette, South Alabama Regional Planning Commission and vice president, of the Alabama Planning Association addressed Mayor Kant and the City Council and presented Mayor Kant with the 2008 'Distinguished Leadership Award for an Elected Public Official.' Mayor Kant was nominated for the award by the city planning department. He received this award in May at the Annual Meeting of the Alabama Chapter of the American Planning Association.

A Public Hearing was held as advertised on a proposed ordinance to amend the Zoning Ordinance No. 1253. Councilmember Quinn introduced in writing Ordinance No. 1361. The Planning & Zoning Commission recommended approval of this ordinance, an ordinance to rezone the property of The Groves at Point Clear, LLC from R-5 High Density Dwelling Residential District to B-4 Business and Professional District. This property is located on the south side of Fairhope Avenue, just east of Hoffren Drive, Fairhope, Alabama.

Jonathan Smith, Planner reviewed the proposed ordinance:

STAFF INTERPRETATION:

The subject property is zoned R-5 (High Density Multi-Family Residential), the applicant is requesting to rezone to B-4 (Business and Professional Office). The property is currently undeveloped. All associated owners/investors include: Richard Inge, Jimbo Yance and Matt Sankey.

The lot dimensions of the subject property are 204' x 203', which calculates to be approximately 41,412 square feet. As the property is currently zoned, the applicant is allowed a density of approximately six (6) to nine (9) multi-family units (depending on site and Zoning Ordinance constraints).

The B-4 zoning district is "intended to provide opportunity for business establishments of a professional nature and is restricted to offices and businesses, which provide specific corporate functions or professional services to the general public." (Article III, Section A. 14.)

The rezoning request is not contrary to the City of Fairhope Comprehensive Plan.

The land adjacent to the subject property to the north is zoned B-2 (General Business) and south, east and west lies property zoned R-3 (High Density Single-Family Residential).

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PLANNING COMMISSION RECOMMENDATION:

On April 7, 2008 the Planning Commission unanimously recommended the City Council approve the request to rezone the subject property from R-5 to B-4.

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 5:42 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 5:43 p.m.

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 Quinn moved for final adoption of Ordinance No. 1361. Seconded by Councilmember Christenberry, motion passed for final adoption by the following votes: AYE - Quinn, Stankoski, Christenberry, Ford and Gentle. NAY - None.

A Public Hearing was held as advertised on a proposed ordinance to amend the Zoning Ordinance No. 1253. Councilmember Christenberry introduced in writing Ordinance No. 1362. The Planning & Zoning Commission recommended approval of this ordinance, an ordinance to amend the Planned Unit Development (PUD) for Fairfield, Phase VI (Ordinance No. 1301). This property is located at the northeast corner of Twin Beech Road and Boothe Road, Fairhope, Alabama.

Jonathan Smith, Planner reviewed the proposed ordinance:

STAFF INTERPRETATION:

Application History:

The applicant is requesting an amendment to the PUD approved on August 1, 2005. The property is approximately 9.2 acres and is located at the corner of Boothe Road and Twin Beech Road. At the time of original approval, the property was rezoned from R-3 to PUD. The initial Master Plan consisted of 8 garden homes and 32 townhomes. On June 5, 2006, the PUD was amended by the Planning Commission to 12 detached single family units and 20 attached townhomes (4 buildings with 5 units each).

The applicant is requesting to modify 15 (5 units in 3 buildings) attached town homes units to 15 detached town home units along the west property line.

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The investors associated with the development are as follows: Scott E. Williams, Brian Fink, Beverly T. Williams, David S. Hyland, Scott Doll, Herman Roberts, Ed Erickson, and Nancy Howard.

The issues associated with this request are as follows:

Comprehensive Plan: The amendment is not contrary to the Comprehensive plan.

Density: Density has not changed from the original plan

Land Use: The property will be residential only.

Housing Types: There are 15 detached single family residential units, 12 garden homes and 5 attached townhome units.

Lot Size: The proposed mixed development will be of R-3 sized single family lots and multi-family townhomes.

Drainage: The applicant has submitted a signed and sealed verification letter that this modification will not impact the drainage plans as previously submitted.

PLANNING COMMISSION RECOMMENDATION:

On April 7, 2008, the Planning Commission voted to recommend the City Council approve as requested.

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 5:45 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 5:46 p.m.

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 Stankoski moved for final adoption of Ordinance No. 1362. Seconded by Councilmember Christenberry, motion passed for final adoption by the following votes: AYE - Quinn, Stankoski, Christenberry, Ford and Gentle. NAY - None.

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Councilmember Quinn introduced in writing Ordinance No. 1363. An ordinance declaring a moratorium on the issuance of land disturbance permits for activities that may result in the loss, fill or destruction of wetlands within the city limits and the city's building permitting jurisdictional authority. In order to take immediate action, Councilmember Christenberry moved for immediate consideration. Seconded by Councilmember Quinn, motion for immediate consideration passed unanimously by the following votes: Quinn, Stankoski, Christenberry, Ford and Gentle. NAY - None.

Councilmember Quinn asked; how far out is the permitting jurisdiction. Mr. Smith replied one and one-half miles, not as far as Weeks Bay. Council President Gentle stated that the moratorium gives us the time to clean up our stormwater ordinances. Mayor Kant said that the moratorium would be in place until October 15, 2008 unless terminated earlier. This is to stop people from filling large tracts which move water to neighbors.

Councilmember Christenberry asked whose responsibility is this. The Corps of Engineers told the County they could not do this. Mr. Smith responded that the City of Fairhope can pass regulations on their wetlands. This moratorium will allow us time to clean up our ordinances on wetlands.

Councilmember Quinn asked if we could look at getting more bonding insurance for coverage. Councilmember Ford stated that he was going to abstain because of timber issues. Mayor Kant said that the powers come under the Police powers.

After further discussion, Councilmember Quinn then moved for final adoption of Ordinance No. 1363. Seconded by Councilmember Christenberry, motion for final adoption passed by the following votes: AYE - Quinn, Stankoski, Christenberry, and Gentle. NAY - None. ABSTAIN - Ford.

Councilmember Stankoski moved to appoint Assistant City Clerk Lisa A. Hanks as City Clerk. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution accepting the public streets, public right-of-way, and all of Fairhope's public utilities within Steel Branch Subdivision for maintenance. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

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Resolution No. 1449-08

WHEREAS, the Owners of Steel Branch desire to have all public streets and public right-of-ways dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2392-C, and all Fairhope public utilities located in public right-of-ways accepted for maintenance by the City of Fairhope, Alabama, and;

WHEREAS, the City of Fairhope, Alabama, has received notice from the engineers of the project that the design and capacity of the public improvements have been designed in conformance with City requirements as indicated on the recorded plat, and;

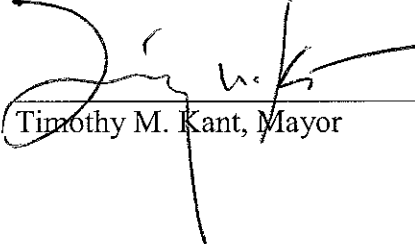
WHEREAS, the Public Works Director has indicated that the improvements meet City requirements, and;

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

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

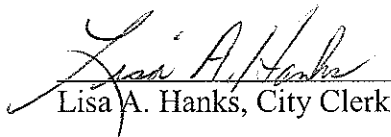
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA that the public improvements indicated herein for Steel Branch are hereby accepted for public maintenance subject to the bond posted.

Adopted, this 9th day of June, 2008.



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk

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Willie Williams addressed the City Council and requested help with the residents of the Spring Run Apartments and their concerns. Mr. Williams reported to the City Council that the letter he was requesting to be rescinded was never mailed to the Alabama Housing Finance Authority. However, Mr. Williams told the City Council that he had spoken to Cynthia Houston at the U.S. Department of Housing & Urban Development and that the City of Fairhope needs to send a letter regarding these issues to expedite their investigation. He stated that Mitchell Company outsourced the apartment management to Miami Mar, Inc. who is violating the fair housing laws and discriminating against tenants. Councilmember Quinn asked Mr. Williams were we to write a letter to Cynthia Houston regarding the citizens' complaints and this would start the investigations. Mr. Williams replied yes, the letter would expedite the investigation. Council President told Mr. Williams that they would read over the packet of information and have City Attorney Wynne draft a letter for the next City Council meeting.

Councilmember Stankoski addressed the City Council and gave a report on the Street Committee meeting held at 4:15 p.m. today.

- Bayshore Christian School traffic U.S. 98 and South entrance to Rock Creek:

This is a State Highway and it is out of our hands. This is an ALDOT issue.

- Patlynn Drive speed bump request:

The Police Department's recommendation: There were no problems observed with the traffic flow or with speeders to warrant the need for a speed bump to be installed.

- Sunday morning church traffic congestion Section/Fels/White/Nichols area:

There are blind corners with the parking on the streets. We are going to place "No Parking on Sidewalk" signs and the Police Department will monitor the area and look at remedies for the problems/concerns of citizens.

- Sea Cliff request for speed bumps.

The problem with Sea Cliff is that half of the road is County owned and half of it is City owned. We are not going to do anything at this time.

- Discussion: Change make up of Street Committee to delete councilmember, add police representative, and two or more citizens.

We are looking at adding new members to the Street Committee: one Police representative, one person from the Street Department, and possibly two citizens.

- Add On: Greeno Road and Live Oak:

Due to the time, we will discuss at a later date.

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Councilmember Quinn moved to approve the purchase of 10 - 50KV single phase padmounted transformers from HD Supply, Inc. (actual bid was approved on March 6, 2008) for the electric system. Seconded by Councilmember Ford, motion passed unanimously by voice vote. This purchase will be funded by Electric Operating Funds.

Council President Gentle mentioned that he was used to seeing \$1 to \$2 million for each month, not \$4 million in bills. City Treasurer Nancy Wilson told the City Council that she had prepared the accounts payables in a different way this month. She stated that every dollar we spend has to be voted on and normally the amount from the green sheets, previously approved, are not listed. However, in the "Spirit of Transparency," I have given you a complete picture with every dollar spent during the month for the City. \$4.0 million is what is budgeted each month.

After further discussion, Councilmember Christenberry moved to pay bills as presented. Seconded by Councilmember Quinn, motion passed by the following voice votes: AYE – Quinn, Stankoski, Christenberry, and Ford. NAY – None. ABSTAIN – Gentle.

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

Councilmember Ford introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Kant to accept the FAA Grant for construction of hangar access taxiways, Phase 2; install Automated Weather Observation System, Phase 2 at the H. L. "Sonny" Callahan Airport. The grant amount is \$95,111.00 - Project Number 3-01-0029-010-2008. Chuck Zunk explained the details of the resolution and stated that the funding to the FAA was delayed by the Federal Government and we did not receive the grant package until last week. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote.

9 June 2008

RESOLUTION NO. 1450-08

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRHOPE,
ALABAMA, APPROVING AND AUTHORIZING THE MAYOR AND THE CITY TO
ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL AVIATION
ADMINISTRATION FOR THE BENEFIT OF FAIRHOPE AIRPORT AUTHORITY
AND THE FAIRHOPE AIRPORT**

WHEREAS, the United States of America acting through the Federal Aviation Administration has offered to pay a maximum of \$95,111.00 for airport development at the H.L. ["Sonny"] Callahan Airport in Fairhope, being project number 3-01-0029-010-2008; and

WHEREAS, the purpose of this grant is to pay a 95% share of the allowable costs incurred in accomplishing the construction of hangar access taxiways, phase 2; install Automated Weather Observation System, phase 2 as more particularly described in the Project Application dated May 28, 2008, at the H.L. ["Sonny"] Callahan Airport in Fairhope; and

WHEREAS, this offer of the Federal Aviation Administration is contingent upon acceptance of the grant in accordance with its terms, namely and including, among others, the "Terms and Conditions of Accepting Airport Improvement Program Grants" dated March 29, 2005; and

WHEREAS, the grant application was originally processed with the recipient to be the City of Fairhope, Alabama; and

WHEREAS, during the pendency of the processing of the grant, the City of Fairhope has fully cooperated in the creation of a new entity to own and control the H.L. ["Sonny"] Callahan Airport in Fairhope by the newly-created Fairhope Airport Authority; and

WHEREAS, the transferring of the properties and assets and liabilities concerning the H.L. ["Sonny"] Callahan Airport in Fairhope is still to some extent in progress; and

WHEREAS, the Federal Aviation administration retains the right to approve any such transfer from the City to the Airport Authority of such assets and liabilities of and pertaining to an airport such as H.L. ["Sonny"] Callahan Airport in Fairhope which has received and retained grant money or assets from the Federal Aviation administration; and

WHEREAS, the process of getting approval of the transfer from the Federal Aviation Administration is still ongoing and is not completed; and

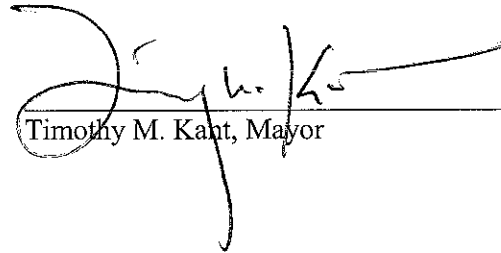
WHEREAS, the deadline date for the receipt of the grant from the Federal Aviation Administration is almost upon us; and

WHEREAS, some intermediate solution to these problems is in the best interests of all concerned;

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City, in a regular meeting of the City Council, that the Mayor be and he is hereby authorized to sign and execute any necessary and appropriate documents so that the City can receive the grant during this interim period, acting for and in behalf of the H.L. ["Sonny"] Callahan Airport in Fairhope and Fairhope Airport Authority, so that pending and during the period when the Federal Aviation Administration approves the transfer of the airport and the grants and liabilities concerning the airport, this grant is not lost unnecessarily but is, instead, accepted in accordance with applicable law and procedures.

Adopted this the 9th day of June, 2008.



Timothy M. Kant, Mayor

ATTEST:

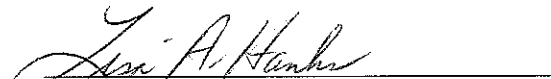


Lisa A. Hanks, City Clerk

There being no further business to come before the City Council, the meeting was duly adjourned at 6:14 p.m.



Robert C. Gentle, Council President



Lisa A. Hanks, City Clerk

STATE OF ALABAMA)
 :
COUNTY OF BALDWIN)(

The City Council, City of Fairhope, met in Work session at 4:00 p.m., in the City of Fairhope Conference room, 161 North Section Street, Fairhope, Alabama 36532, on Monday, June 16, 2008.

Present were Council President Robert C. Gentle, Councilmembers: Debbie W. Quinn, Daniel Stankoski, and Michael A. Ford; and City Clerk Lisa A. Hanks. Councilmember Cecil Christenberry, Mayor Timothy M. Kant, and City Attorney Marion E. Wynne were absent.

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

Council President Gentle announced that the City Council would be going into Executive Session and asked if anyone wanted to speak.

Scott Jackson, President of Jackson Consulting Group, addressed the City Council regarding Bay Haven. He stated that the community as a whole supports putting in sewer lines if costs are kept down. Councilmember Stankoski asked how many lots are down there. Mr. Jackson replied 70 plus homes and the majority are built on ground level. We will start to see regrowth out there and new development. Councilmember Ford mentioned that he spoke to citizens of Bay Haven last year, told them to get a petition together, and then come see him. He never heard back from them.

Mr. Jackson said most of the septic tanks have mound systems and some have peat systems. He has been looking at an advanced treatment system which treats the waste inside the septic tank.

Clarence Burke and Charles Baumhauer from Baldwin County Sewer Service were in attendance. Council President Gentle asked Mr. Burke if he wanted to speak. Mr. Burke mentioned the last proposal was dropped off today for the City Council to review. Council President Gentle told him the City would respond back in writing in regards to the proposal.

The following action took place:

16 June 2008



June 16, 2008

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

Genece 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.

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

Daniel R. Stanoski

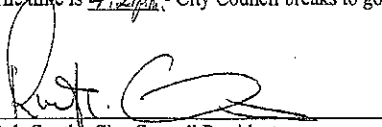
Council President Gentle
City Councilmembers

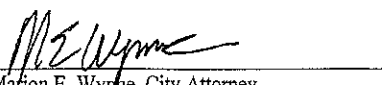
As City Attorney Marion E. Wynne, I hereby request the Fairhope City Council go into executive session to into Executive Session to discuss Water & Sewer Planning. The discussion we are about to have would have a detrimental effect upon the competitive position of the City of Fairhope if disclosed outside of the Executive Session.

City Attorney Wynne does hereby declare that the City Council of the City of Fairhope shall break from a Work Session meeting, on Monday, June 16, 2008, to go into Executive Session.

The City Council shall be in Executive Session for approximately 1 hour minutes/hour(s). At the end of the Executive Session the City Council shall resume the Work Session meeting.

The time is 4:20 p.m. - City Council breaks to go into Executive Session.


Bob Gentle, City Council President


Marion E. Wynne, City Attorney

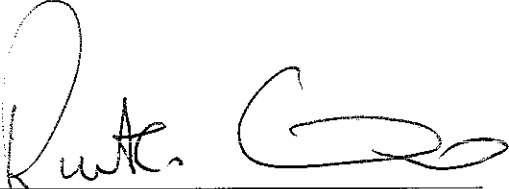
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Councilmember Ford moved to go into Executive Session. Seconded by Councilmember Quinn, motion passed by the following voice votes: AYE – Quinn, Stankoski, Ford and Gentle. NAY – None.

The City Council resumed their called Work session at 5:14 p.m.

There being no further business to come before the City Council, the meeting was duly adjourned at 5:14 p.m.


Robert C. Gentle, Council President


Lisa A. Hanks, City Clerk