

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, 12 May 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 invocation was given by Dr. Tim Patrick, Pastor of Faith Baptist Church, and the Pledge of Allegiance was recited. Councilmember Quinn moved to approve minutes of the April 28, 2008, regular meeting and approve the following action that took place Monday, May 5, 2008, Work Session approving to go into Executive Session. Seconded by Councilmember Christenberry, motion passed unanimously by voice vote to approve the minutes of the April 28, 2008, regular meeting. Motion approving to go into Executive Session during the Work Session on Monday, May 5, 2008 passed by the following voice votes: AYE – Quinn, Christenberry, Ford and Gentle. NAY – None. ABSTAIN - Stankoski.

Sherry Sullivan made the following announcements:

- The Fairhope Pier Players’ concerts, known as “Thursdays at the Pier,” will be held every Thursday until October from 5:00 p.m. until sunset.
- The Festival of Flight Air Show will be Saturday, May 17, 2008, from 9:00 a.m. to 4:00 p.m. at the H.L. “Sonny Callahan” Airport on Highway 32.
- The Fairhope Outdoor Market will begin on Thursday, May 22nd and run through July 17th from 4:00 p.m. to 6:00 p.m. on Church Street in Downtown Fairhope.

Mayor’s Comments and Staff Reports:

- Mayor Kant announced that Fairhope High School’s graduation ceremony will be held tonight at the Fairhope Municipal Stadium.

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. 1360. The Planning & Zoning Commission recommended approval of this ordinance, an ordinance to establish regulations regarding A-Frame Signs.

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Jonathan Smith, City Planner, explained the proposed amendment:

1. THAT, Article IV Site Design Standards, Section G. Signs, Number 4 Sign Standards, Letter b. Permitted Signs for Non-residential Districts and Uses be hereby amended to insert the following:
 - (9) A-Frame Signs – In addition to a wall-mounted sign, A-Frame signs for a business located within the Central Business District (the CBD) are permitted subject to the following conditions:
 - a. A business owner who desires to utilize an A-Frame sign within the CBD shall be required to apply for and obtain an Administrative Use Permit from the City of Fairhope Planning Director and/or his designee. There is no fee associated with this permit. As part of the application process, the Planning Director and/or his designee shall designate to the business owner the approved location for the placement of the A-Frame sign within the CBD.
 - b. An A-Frame sign may be located on private property or within the public right-of-way, provided they do not interfere with pedestrian movement or wheelchair access to, through, and around the site or obstruct ADA access. A minimum access width of three (3) ft. shall be maintained along all sidewalks and building entrances accessible to the public.
 - c. An A-Frame sign shall not encroach into required off-street parking areas, and may not be arranged so as to create site distance conflicts or other traffic hazards.
 - d. An A-Frame sign shall be utilized only during the regular hours of operation of the business or special event, and shall be removed during non-business hours.
 - e. The sign size for a rectangular A-Frame sign shall be four (4) ft. in vertical dimension and two feet, six inches (2'-6") in horizontal dimension. The height of the sign shall be measured from the sidewalk grade to the sign when it is erect.
 - f. A-Frame signs are permitted for ground floor or street frontage tenants directly in front of the place of business. Where numerous businesses are located within one building, one (1) Shared Multi-tenant A-Frame sign per street frontage may be used. Shared Multi-Tenant A-Frame signs shall meet the area and dimensional standards established in Article IV Section G.4(b)9.(e) in this amendment.
 - g. An A-Frame sign shall be professionally made and constructed of durable, weather-resistant materials such as aluminum, plastic, or wood-finished surfaces and shall be maintained in good condition throughout the term of the Use Permit.
 - h. At the time of application, a Use Permit application for an A-Frame sign shall require submission of a certificate of insurance which complies with the following criteria:
 1. Public liability insurance in an amount not less than \$1,000,000.00 for injuries to each person, and in an amount not less than \$1,000,000.00 for any one (1) occurrence.
 2. Property damage insurance in an amount not less than \$1,000,000.00 for damage to the property of each person on account of any one (1) occurrence.

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3. Said policies shall name the City of Fairhope as additional insured and shall constitute primary insurance for the City, its officers, agents, and employees, so that any other policies held by the City shall not contribute to any loss under this insurance.
 4. Policies shall provide for thirty (30) days prior written notice to the City of cancellation or material changes.
 - i. The City reserves the right to remove forthwith a sign which causes any interference with vehicular traffic or pedestrian traffic or in the event of any emergency situation or interferes with any work that is to be performed upon the public sidewalk by or on behalf of the City.
2. THAT, Article IX Definitions and Interpretation, Section C. Defined Terms be hereby amended to insert the following:

A-Frame Sign – A-Frame Signs are allowed only within the City of Fairhope Central Business District. A-Frame Signs are designed to stand on their own, either on public or private property. A-Frame Signs are hinged at the apex to be folded into a sandwich position. A permit is required from the City of Fairhope.

Council President Gentle opened the Public Hearing at 5:36 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 5:38 p.m.

In order to take immediate action Councilmember Ford moved for immediate consideration. Seconded by Councilmember Christenberry, motion for immediate consideration passed unanimously by the following votes: AYE – Quinn, Stankoski, Christenberry, Ford and Gentle. NAY - None. Councilmember Christenberry moved for final adoption of Ordinance No. 1360. Seconded by Councilmember Ford, 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 the request for a Club Liquor – Class I License by Kristopher T. Conlon, Conlon Enterprises, Inc., located at Fairhope Yacht Club, 101 Volanta Avenue, Fairhope, Alabama. The public hearing was opened at 5:39 p.m. and closed at 5:40 p.m. No one present was opposed to the Club Liquor – Class I License. Councilmember Ford moved to approve the issuance of the license. Seconded by Councilmember Christenberry, motion passed by the following voice votes: AYE - Stankoski, Christenberry, Ford and Gentle. NAY - None. ABSTAIN – Quinn.

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

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RESOLUTION NO. 1447-08

WHEREAS, the Owners of Founder's Square desire to have all public utilities dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2388-D, 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;

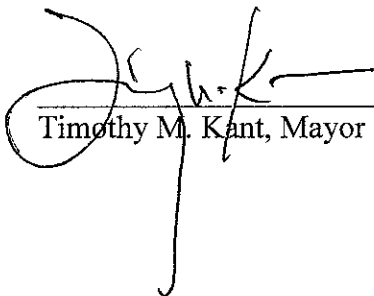
WHEREAS, the Water and Sewer Superintendent has indicated that the improvements meet City requirements, and;

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;

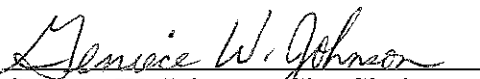
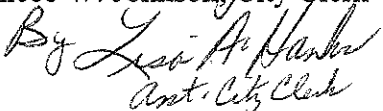
WHEREAS, the City of Fairhope, Alabama, has received from the owners of Founder's Square maintenance bonds for the public utilities constructed for a period of 2 years, and;

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

Adopted, this 12th day of May, 2008.


 Timothy M. Kant, Mayor

Attest:


 Geniece W. Johnson, City Clerk
 By 
 Ant. City Clerk

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Councilmember Christenberry moved to reschedule the next Regular Council meeting to Tuesday, May 27, 2008 from Monday, May 26th due to Memorial Day. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Councilmember Christenberry moved to accept the single bid from Digital Ally, Inc., for five digital in car video systems, model number DVM-500, for new recently acquired police cars. Dan Ames, Purchasing Manager, stated that the existing system in use by the Police Department for all such devices is proprietary, and will only interface with Digital Ally, Inc. hardware and software. Mr. Ames obtained legal counsel from City Attorney Wynne for his opinion on this purchase being made exclusively from Digital Ally, Inc. Mr. Wynne agreed that there are provisions in the State laws that support and allow this purchase. Seconded by Councilmember Ford, motion passed unanimously by voice vote. This purchase will be funded by the General Fund Operating revenue.

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

Paul Ripp, 22985 Highridge Road, Fairhope, Alabama, addressed the City Council regarding Parker Road traffic. He stated that the entrance to Fairhope was the "Triangle." Now, the entrance and exit of the City of Fairhope will be the Publix at Parker Road. Mr. Ripp said you are going to have the same problem with Parker Road and the Publix as you have with the "Triangle" at Veterans Drive and Greeno Road. Mr. Ripp repeatedly mentioned a map where he obtained his information. Councilmember Quinn replied that the City Council needed to view a map before addressing this issue.

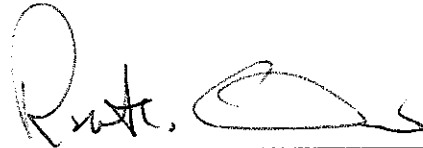
Mr. Ripp asked the City Council about the City's legal fees, budgeted legal fees, and why the difference in expenditures of legal fees. Council President Gentle explained that in the past few years the City of Fairhope had major litigation with Baldwin EMC, Riviera Utilities, and Baldwin County Sewer Service. These three litigations were a major factor for the increase in fees.

Mr. Ripp also mentioned that if Publix is the first thing you see when entering the City of Fairhope, people will zone or want to be zoned commercial or whatever. It is a commercial district. Council President Gentle stated that the City needs to look at an overlay of North and South Greeno Road to see what the entrance and the exit of Fairhope would be. Mr. Ripp asked; how long is it going to take? Council President Gentle replied I can't answer that question.

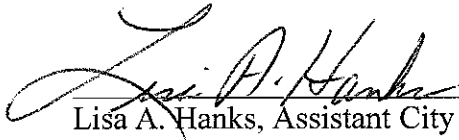
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Joe Birindelli, 351 Grand Avenue, addressed the City Council and said "Thank You" for all of the assistance the City gave to the Fairhope Veterans Memorial Committee for their fundraiser for the construction of the Fairhope Veterans Memorial. He announced that the fundraiser will be held on March 17, 2008 after the Festival of Flight, from 6:30 p.m. to 8:30 p.m. It will be a Block Party on Fairhope Avenue between Section and Bancroft.

There being no further business to come before the City Council, the meeting was duly adjourned at 5:51 p.m.



Robert C. Gentle, Council President



Lisa A. Hanks, Assistant City Clerk

STATE OF ALABAMA)(
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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 Tuesday, May 13, 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:

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May 13, 2008

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

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

Nancy R. Wilson, CFA
Treasurer

Council Members

Leil Christenberry

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

Robert C. Gentle, C.M.O.

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

James R. Stankoski

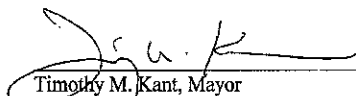
**Council President Gentle
City Councilmembers**

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 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.

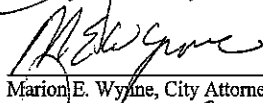
City Attorney Wynne does hereby declare that the City Council of the City of Fairhope shall break from a Work Session meeting, on Tuesday, May 13, 2008, to go into Executive Session.

The City Council shall be in Executive Session for approximately 60 min minutes/hour(s). At the end of the Executive Session the City Council shall resume the Work Session meeting.

The time is 4:15pm - City Council breaks to go into Executive Session.



Timothy M. Kant, Mayor



Marion E. Wynne, City Attorney



Robert C. Gentle, Council President

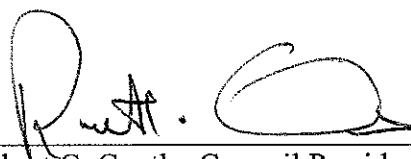
16 North Section Street
P.O. Drawer 429
Fairhope, Alabama 36533
251-928-2136
251-928-5776 Fax
www.cityofairhope.com
Printed on recycled paper

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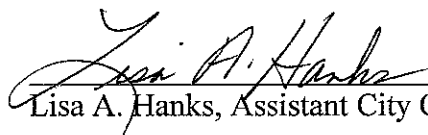
Councilmember Ford moved to go into Executive Session. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

The City Attorney, Mayor Kant, and City Council resumed their called Work session at 5:15p.m.

There being no further business to come before the City Council, the meeting was duly adjourned at 5:15 p.m.

Handwritten signature of Robert C. Gentle in black ink, consisting of a large 'R' followed by 'gentle' and a flourish.

Robert C. Gentle, Council President

Handwritten signature of Lisa A. Hanks in black ink, written in a cursive style.

Lisa A. Hanks, Assistant City Clerk