



**CITY OF FAIRHOPE**

**CITY COUNCIL PACKET**

**DISCLAIMER**

**PLEASE TAKE NOTICE:**

**THE INFORMATION IN THIS PACKET IS IN  
PRELIMINARY FORM.**

**IT IS SUBMITTED TO THE CITY COUNCIL FOR  
CONSIDERATION AND DISCUSSION.**

**THIS PACKET DOES NOT CONTAIN  
FINAL AND/OR APPROVED  
MINUTES, RESOLUTIONS OR ORDINANCES.**

**CITY OF FAIRHOPE  
CITY COUNCIL WORK SESSION AGENDA**

**MONDAY, 23 OCTOBER 2017 – 4:30 P.M. – COUNCIL CHAMBER**

1. Committee Updates
2. Department Head Updates

**Next Regular Meeting Monday, November 13, 2017 at 4:30 p.m. and Same Place**

**CITY OF FAIRHOPE  
CITY COUNCIL AGENDA**

**MONDAY, 23 OCTOBER 2017 - 6:00 P.M. - CITY COUNCIL CHAMBER**

**Invocation and Pledge of Allegiance**

1. Approve minutes of 09 October 2017 Regular City Council Meeting, minutes of 09 October 2017 Work Session, and minutes of 09 October 2017 Agenda Meeting.
2. Report of the Mayor
3. Public Participation – Agenda Items – (3 minutes maximum)
4. Council Comments
5. Recognition – Jerry Cherne as the City of Fairhope 2017 Veteran of the Year
6. **Public Hearing** - Ordinance - Amend Zoning Ordinance No. 1253.  
Request to rezone the property of CDA, LLC and Carrigan Properties, LLC from R-1 Low Density Single Family Residential District and R-4 High Density Multi-Family Residential District to PUD (Planned Unit Development). This property is located at 806 and 812 N. Greeno Road, Fairhope, Alabama. Tax Parcels: 05-46-03-39-0-001-001.001 and 05-46-03-39-0-001-009.000.
7. **Public Hearing** - Ordinance - Amend Zoning Ordinance No. 1253.  
Request to amend Ordinance No. 1273 known as East Park Subdivision the Planned Unit Development (PUD). The property of Wendell and Charlotte Barnhill is located on the north side of Parker Road between U. S. Hwy. 98 and High Ridge Road, at 7625 Parker Road. Tax Parcel: 05-46-03-05-0-000-010.007.
8. **Public Hearing** - Ordinance - Amend Zoning Ordinance No. 1253.  
Request to rezone the property of Robert and Debra Green from R-1 Low Density Single Family Residential District to B-2 General Business District. This property is generally located 415 N. Greeno Road, Fairhope, Alabama. Tax Parcels: 05-46-03-39-0-002-152.017, 05-46-03-39-0-002-152.018, Portion of 05-46-03-39-0-002-152.010, and Portion of 05-46-03-39-0-002-152.000.
9. Resolution – That the City Council approves the selection of TischlerBise, Inc. to perform Professional Financial Consulting Services to Study Update of Impact Fees for the City of Fairhope (RFQ No. PS001-18), and hereby authorizes Mayor Karin Wilson to establish a fee schedule; and to execute the associated contract with a not-to-exceed limit of \$68,000.00. (Tabled at the October 9, 2017 City Council Meeting)
10. Resolution – Appointing a Director to the Educational Building Authority of the City of Fairhope, Alabama – St. Michael Catholic High School: reappoint James C. Bailey for a term ending on the second Monday of November 2023.
11. Resolution – Holidays FY 2017 – 2018

12. Resolution – That the City Council approves the selection of Sawgrass Consulting, LLC to perform Professional Land Surveying Services for PS003-18 (Project No. REC001-18) Survey of Fairhope Docks Marina and Boatyard, and hereby authorizes Mayor Karin Wilson to negotiate a fee schedule, and establish a not-to-exceed figure.
13. Resolution – Airport Authority – Authorizing Mayor Wilson and the Fairhope Airport Authority/City of Fairhope to make application for airport improvement funding assistance from the State of Alabama Department of Transportation, for the purpose of undertaking a project to make improvements at the H. L. "Sonny" Callahan Airport.
14. Resolution – That the City of Fairhope hereby approves and adopts the Franchise Agreement for granting franchises to install, maintain and operate a business on the City's public rights-of-ways or public property as presented and a copy is on file in the Office of the City Clerk; and that Resolution No. 2124-13 is hereby repealed.
15. Resolution – That Mayor Karin Wilson is hereby authorized to execute a contract with Christian Preus Landscape Architecture, LLC to perform Professional Architectural Services for MPO Downtown Traffic, Pedestrian Safety and Wayfinding Signage and Parking Study (RFQ No. PS039-17), with a not to exceed \$30,000.00. The total Project cost is \$30,000.00 through MPO Planning funds: Federal match not to exceed \$24,000.00 and a local match of \$6,000.00.
16. Resolution – To Award Bid to the lowest responsible bidder, who was compliant to bid specification criteria, the contract for Painting of Two Million Gallon Water Tower for the Water Department.
17. Resolution – that the City Council agrees to contribute the required twenty percent (20%) local match for the Downtown Fairhope Transit Shelter (Project) amounting to \$120,000.00 of the total Project cost of \$600,000.00.
18. Request – Fairhope Volunteer Fire Department – Requesting to close Equality Street between North Section Street and North Bancroft; and a section of Bancroft between Magnolia to Pine Street for its 2nd BBQ Cook-Off (Smoke'm If You Go EM) Fundraiser to benefit the Fire Department on Saturday, April 7, 2018 from 6:00 a.m. to Sunday, April 8, 2018 at 12:00 a.m. Services needed will be Barricades, Electric Junction Boxes, Water, Trash and Recycling bins, Trash Truck, AC Restroom Trailer, 2 Light Towers, City Stage, Police Officers during the closure, and several of the City tail gate tents. Requesting permission to sell alcohol (beer) during the street closure time: alcohol contingent upon ABC and City licenses and approval of same; to have a live band from 9:00 p.m. to 11:00 p.m. and to grant a variance of the noise ordinance for one hour. The Fire Department also requests that all fees be waived for this event; and permission to utilize the Fairhope Civic Center as a rain location for the same dates, times, and requests as above for this location.
19. Public Participation – (3 minutes maximum)
20. Adjourn



**City Council Work Session - 4:30 p.m.  
on Monday, October 23, 2017 – Council Chambers**

**City Council Agenda Meeting - 5:30 p.m.  
on Monday, October 23, 2017 – Council Chamber**

**Next Regular Meeting – Monday, November 13, 2017 - Same Time and Place**

STATE OF ALABAMA                    )(  
                                                  :  
COUNTY OF BALDWIN                )(

The City Council, City of Fairhope, met in regular session at 6:00 p.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Monday, 9 October 2017.

Present were Council President Jack Burrell, Councilmembers: Jay Robinson, Jimmy Conyers, Robert Brown, and Kevin Boone, Mayor Karin Wilson, City Attorney Marion E. Wynne, and City Clerk Lisa A. Hanks.

There being a quorum present, Council President Burrell called the meeting to order. The invocation was given by Reverend A. B. Sawyer, Associate Pastor of First Baptist Church, and the Pledge of Allegiance was recited.

Council President Burrell stated there was a need to add on two agenda items after Agenda Item Number 22: a resolution that the City Council approves the selection of PPM Consulting, Inc., for RFQ No. PS002-18, Professional Environmental Consulting Services relating to the Installation of Fuel Tanks and the Preparation of the Spill Containment Plan at Fairhope Docks; and hereby authorizes mayor Karin Wilson to establish a fee schedule; establish a not-to-exceed limit of \$3,700.00; and execute the associated contract; a resolution that the City Council authorizes the City to sweep the Grand Hotel’s main roadway to accelerate the entity’s ability to open to help the City’s prosperity.

Councilmember Brown moved to add on the above-mentioned items not on the **printed** agenda. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

Councilmember Conyers moved to approve minutes of the 25 September 2017, regular meeting; minutes of the 25 September 2017, work session; and minutes of the 25 September 2017, agenda meeting. The motion was seconded by Councilmember Robinson. Councilmember Boone stated he would abstain since he was not in attendance at the September 25, 2017 City Council meeting. The motion passed by the following voice votes: AYE – Burrell, Robinson, Conyers and Brown. NAY – None. ABSTAIN - Boone.

Mayor Wilson addressed the City Council regarding the following items:

- 1) Thanked City employees and Management Team for hard work through Hurricane Nate. She said for any damage to be reported to [damage@fairhopeal.gov](mailto:damage@fairhopeal.gov);
- 2) Grant for Fairhope Docks and will have a “Clean and Resilient” status with green infrastructure;

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- 3) Christmas Tree lights are 85% complete;
- 4) Golf Course: Wine and Dine;
- 5) Winter Flowers will be soon planted;
- 6) Three employees introduced: City Treasurer Michael Hinson, Public Works Director Richard Johnson, and Marina Manager Drew Craze.

The following individuals spoke during Public Participation for Agenda Items:

- 1) Elmer Vick, 102 Ingleside Terrace Circle, addressed the City Council regarding Agenda Item Number 6: an Ordinance to rezone William Wright property from R-1 Low Density Single Family Residential District to B-1 Local Shopping District. Mr. Vick said his biggest issue is traffic on Edwards and the children use Edwards as a corridor.

Councilmember Robinson thanked the City employees, the Police Department, and the Fairhope Volunteer Fire Department for being on call all weekend. He mentioned Charlene Lee and her work with the Walking School Bus; last year there were 55 students and this year 110 students. Councilmember Robinson said Happy Birthday to his son Jay Nick.

Councilmember Conyers said we prepare for the worse and hope for the best for a storm. He said we have great employees and were fortunate with this storm. He mentioned the FEEF Phantasy of the Arts event was postponed to October 21, 2017.

Councilmember Brown thanked City staff and employees for their work with the storm. He stated if Agenda Item Number 6 is adopted, he asked if the City would consider a sidewalk on Edwards.

Council President Burrell also thanked City staff for their work during Hurricane Nate.

Councilmember Robinson moved for final adoption of Ordinance No. 1601, an ordinance to amend Zoning Ordinance No. 1253 to rezone the property of Kelley Lyons from R-A Residential/Agriculture to R-2 Medium Density Single Family Residential District. This property is generally located at 10143 Windmill Road, Fairhope, Alabama. Tax PPIN No. 14463. (Introduced at the September 25, 2017 City Council Meeting) The motion was seconded by Councilmember Conyers. Planning Director Wayne Dyess briefly explained the proposed ordinance. After further discussion, motion for final adoption passed by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY - None.

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Planning Director Wayne Dyess briefly explained the proposed ordinance. Larry Smith, on behalf of the applicant, addressed the City Council and said his client had agreed to self-impose deed restrictions on the property excluding it being used for a restaurant, dry cleaner, laundry, automobile repair shop, or service/gas station.

Councilmember Conyers said his concern is what happens after bank. He did say banks are usually open Monday through Friday. Mr. Dyess mentioned the landscape buffer that is required. Councilmember Robinson said he understands minimizing traffic in the area, but something will be built. He asked if the concessions by owner would continue like restrictions on property. Council President Burrell reiterated something will be zoned in the future; and said he was cognizant of the traffic concern. He said a bank would have minimum traffic concerns; and also stated he was anxious about the Site Plan Review amendment.

Councilmember Robinson moved for final adoption of Ordinance No. 1602, an ordinance to amend Zoning Ordinance No. 1253 to rezone the property of William H. Wright from R-1 Low Density Single Family Residential District to B-1 Local Shopping District. This property is generally located at 861 Edwards Avenue, Fairhope, Alabama. Tax PPIN No. 47397 subject to the deed restrictions by the property owner. (Introduced at the September 25, 2017 City Council Meeting) Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY - None.

Council President Burrell stated City Clerk Lisa Hanks said that the changes made to the proposed ordinance were significant, so this ordinance will have to be introduced for Council to consider.

Councilmember Conyers introduced in writing Ordinance No. 1603, an ordinance to amend Ordinance No. 1398 known as the Fairhope Erosion and Sediment Control Ordinance to amend and add to Article VII. Erosion and Sediment Control; specifically, Sections 7-154, 7-155, 7-156, 7-158, 7-159, and 7-164. Building Official Erik Cortinas briefly explained all of the changes. Councilmembers Brown and Boone liked the proposed changes.

In order to take immediate action, Councilmember Brown moved for immediate consideration. Seconded by Councilmember Conyers, motion for immediate consideration passed unanimously by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY - None. Councilmember Brown then moved for final adoption of Ordinance No. 1603. Seconded by Councilmember Conyers, motion for final adoption passed by the following voice votes: AYE – Burrell, Robinson, Conyers, Brown, and Boone. NAY - None.

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Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the signees of all City of Fairhope Accounts. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 2891-17**

**WHEREAS**, two signatures are required on all monetary transactions of the City of Fairhope; and

**WHEREAS**, travel is sometimes required of the Mayor and of the Treasurer and provisions should be made to cover monetary requirements of the City in the absence of one or both; THEN, THEREFORE

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, FAIRHOPE, ALABAMA**, that all Financial Depositories where monies of the City are deposited, whether in checking, savings, or other type accounts, currently or in the future; be and hereby are advised that **any two of the following signees** are authorized to sign any monetary transaction between said Depositories and the City of Fairhope, Alabama. Attached is a list of all Depositories for the City of Fairhope;

\_\_\_\_\_ Karin Wilson, Mayor

\_\_\_\_\_ Jackey O. Burrell, Council President

\_\_\_\_\_ Michael V. Hinson, City Treasurer

\_\_\_\_\_ Lisa A. Hanks, City Clerk

**BE IT FURTHER RESOLVED** that Michael V. Hinson and Lisa A. Hanks are hereby authorized to use a facsimile signature for routine checks and paperwork:

**BE IT FURTHER RESOLVED** that Mayor Karin Wilson is hereby authorized to use computer generated signature for routine checks under One Thousand Dollars (\$1,000.00). All monetary transactions must have at least one true signature.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be sent to all Depositories as authorization of, and as a record of, above signee signatures.

ADOPTED THIS 9TH DAY OF OCTOBER, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

9 October 2017

Mayor Wilson stated the last study was done 10 years ago and State Law allows for a one percent impact fee. She mentioned partnering with the County for building schools. Mayor Wilson said we need to appropriately place percentages on certain areas; and this will be an extensive 3-month study. Council President Burrell questioned schools being part of the impact fee. Mayor Wilson commented the company said we could partner for building new schools with the County.

Building Official Erik Cortinas said this is a 2007 Ordinance and circumstances were different back then; and we need to reflect the current needs for our growth. Councilmember Conyers stated the \$68,000.00 can be paid out of the Impact Fees. Councilmember Brown said growth inside is minimal to outside the City. Mayor Wilson said we need to know how to use the money we collect and need the data to back it up. Council President Burrell asked if other companies were available for the study; and the amount is already known.

Councilmember Brown moved to table Agenda Item Number 9 to gather more information regarding the study: a resolution that the City Council approves the selection of TischlerBise, Inc. to perform Professional Financial Consulting Services to Study Update of Impact Fees for the City of Fairhope (RFQ No. PS001-18), and hereby authorizes Mayor Karin Wilson to establish a fee schedule; and to execute the associated contract with a not-to-exceed limit of \$68,000.00. Seconded by Councilmember Burrell, motion to table passed by the following voice votes: AYE – Burrell, Brown, and Boone. NAY – Robinson and Conyers.

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Karin Wilson is hereby authorized to execute Change Order No. 1 to Project No. PW001-17, Fly Creek Marina Seawall Improvements 2017, with an increase from the contract in the amount of \$11,400.00, and award the Change Order to MD Thomas Construction, LLC. The scope of work will be modified to exclude the fuel dock shelter (-\$17,850.00) and to include mobilization of fuel dock (\$29,250.00) for a total net change order value of (\$11,400.00) to the Contract. The motion was seconded by Councilmember Robinson. Operations Director Richard Peterson addressed the City Council to explain the changes to the scope of work: extend bulkhead, refurbish and mobilize deck pad for fuel dock, and remove fuel shelter. He recommended to leave the tanks next to fuel pumps. After further discussion, motion passed unanimously by voice vote.

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9 October 2017

**RESOLUTION NO. 2892-17**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, That Mayor Karin Wilson is hereby authorized to execute Change Order No. 1 to Project No. PW001-17, Fly Creek Marina Seawall Improvements 2017, with an increase from the contract in the amount of \$11,400.00, and award the Change Order to MD Thomas Construction, LLC. The scope of work will be modified to exclude the fuel dock shelter (-\$17,850.00) and to include mobilization of fuel dock (\$29,250.00) for a total net change order value of (\$11,400.00) to the Contract.

Adopted on this 9th day of October, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Karin Wilson is hereby authorized to execute an Agreement concerning a Transportation Planning Process for the Eastern Shore Urbanized Area between the County of Baldwin and the Municipalities of Daphne, Fairhope, Spanish Fort, and Loxley and the State of Alabama. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 2893-17**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE**, that Mayor Karin Wilson is hereby authorized to execute an Agreement concerning a Transportation Planning Process for the Eastern Shore Urbanized Area between the County of Baldwin and the Municipalities of Daphne, Fairhope, Spanish Fort, and Loxley and the State of Alabama (acting by and through the Alabama Department of Transportation).

ADOPTED THIS 9TH DAY OF OCTOBER, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

9 October 2017

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Filing of Applications with the Federal Energy Regulatory Commission (FERC) by the Alabama Municipal Electric Authority (AMEA) on behalf of the City of Fairhope, a member City of AMEA, for Waivers under the Public Utility Regulatory Policies Act of 1978 (PURPA) from Purchase Requirements for Qualifying Facilities and Adopting Rules for Compliance with FERC's PURPA Regulations. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

**RESOLUTION NO. 2894-17**

**RESOLUTION AUTHORIZING FILING OF APPLICATIONS WITH  
THE FEDERAL ENERGY REGULATORY COMMISSION (FERC)  
BY THE ALABAMA MUNICIPAL ELECTRIC AUTHORITY (AMEA) ON  
BEHALF OF THE CITY OF FAIRHOPE, A MEMBER CITY OF AMEA,  
FOR WAIVERS UNDER THE PUBLIC UTILITY REGULATORY  
POLICIES ACT OF 1978 (PURPA) FROM PURCHASE REQUIREMENTS FOR  
QUALIFYING FACILITIES AND ADOPTING RULES FOR COMPLIANCE  
WITH FERC'S PURPA REGULATIONS**

**WHEREAS**, PURPA is the Public Utilities Regulatory Policy Act of 1978 and its basic goal is to require electric utilities, which includes AMEA and the City of Fairhope, hereinafter referred to as Participating Member, to purchase the output of certain generating facilities which may locate in their service territories at a negotiated rate or at "avoided cost"; and

**WHEREAS**, FERC has promulgated rules which allow for waivers of compliance with PURPA obligations for non-regulated utilities; and

**WHEREAS**, FERC has taken the position that all requirements providers of electric utilities may assume the responsibility for the purchase obligation set forth in PURPA; and

**WHEREAS**, for facilities requesting PURPA Qualifying Facilities (QF) status, a waiver request would exempt Participating Member, a Member City of AMEA, from having to purchase the output, directing them instead to AMEA which would be required to assume that responsibility; and

**WHEREAS**, on June 29, 2017, the Board of Directors of AMEA passed a Resolution which authorized the filing of the above referenced applications for waivers on behalf of AMEA and any Member City which wished to join therein.

**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE PARTICIPATING MEMBER AS FOLLOWS:**

Section 1. The above recitals are incorporated herein by reference as if fully restated.



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Section 2. The filing of said waiver requests with FERC by AMEA on behalf of Participating Member is hereby approved all at the cost of AMEA.

Section 3. Regarding the assumption by AMEA of the responsibility to purchase the output of facilities requesting PURPA Qualifying Facilities (QF) status in lieu of those Member Cities that wish to participate in the waiver application, the Governing Body hereby assigns to AMEA the responsibility for such purchases to AMEA and approves the assumption of said undertaking by AMEA.

Section 4. Attached hereto and incorporated herein by reference as if fully restated are a Draft of AMEA's Rules for Compliance with FERC's PURPA Regulations which are hereby approved by the Governing Body to which Participating Member shall abide and provide, for any purchase obligation subject to these waiver requests, that (1) AMEA and Participating Member shall not avoid or frustrate the purpose of any PURPA-mandated obligation; (2) AMEA and Participating Member shall permit any facility with PURPA QF status to interconnect with the Participating Members' distribution systems; (3) AMEA and Participating Member shall not charge duplicative fees to any facility with PURPA QF status for interconnection or wheeling; (4) AMEA shall not subject a facility with PURPA QF status to any duplicative charges or additional fees as a result of AMEA's purchase of power from a QF that would otherwise be purchased by any one of the Member Cities; and (5) the Participating Member interconnected with the QF shall sell any capacity and energy to the QF that is required by it.

Section 5. The Mayor and City Clerk of Participating Member be and each of them are hereby authorized to execute or accept such further documents and to take or cause to be taken any and all such further action as may be reasonably required on the part of the Participating Member to carry out, give effect to and consummate the transactions contemplated hereby.

ADOPTED by the City Council of the City of Fairhope, Alabama this 9th day of October, 2017.

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Karin Wilson, Mayor

(SEAL)

Attest:

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Lisa A. Hanks, MMC  
City Clerk

9 October 2017

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Karin Wilson is hereby authorized to execute a contact with Goodwyn Mills Cawood, Inc. to perform Professional Architectural/Engineering Services to replace the HVAC Unit on Roof of Civic Center for RFQ No. PS040-17 for (Project No. PW007-17) with a not-to-exceed amount of \$12,960.00. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

**RESOLUTION NO. 2895-17**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Karin Wilson is hereby authorized to execute a contact with Goodwyn Mills Cawood, Inc. to perform Professional Architectural/Engineering Services to replace the HVAC Unit on Roof of Civic Center for RFQ No. PS040-17 for (Project No. PW007-17) with a not-to-exceed amount of \$12,960.00.

DULY ADOPTED THIS 9TH DAY OF OCTOBER, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has voted to purchase Kronos Timekeeping System Maintenance Annual Renewal for December 2017 to December 2018 for the IT Department; and the type of maintenance renewal needed is on the Alabama State Department of Purchasing bid list and therefore does not have to be let out for bid. The cost will be \$18,369.71. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

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9 October 2017

**RESOLUTION NO. 2896-17**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:**

[1] That the City of Fairhope has voted to purchase Kronos Timekeeping System Maintenance Annual Renewal for December 2017 to December 2018 for the IT Department; and the type of maintenance renewal needed is on the Alabama State Department of Purchasing bid list and therefore does not have to be let out for bid. The cost will be \$18,369.71.

Adopted on this 9th day of October, 2017

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Karin Wilson, Mayor

Attest:

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Lisa A. Hanks, MMC  
City Clerk

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has voted to purchase Annual Maintenance Contract for Trunking Infrastructure Service for Police Department and Volunteer Fire Department; from Motorola Solutions, Inc. as Sole Source Distributor; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13): "Contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible to award by competitive bidding." The cost will be \$23,257.00. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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9 October 2017

**RESOLUTION NO. 2897-17**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, as follows:

[1] That the City of Fairhope has voted to purchase Annual Maintenance Contract for Trunking Infrastructure Service for Police Department and Volunteer Fire Department; from Motorola Solutions, Inc. as Sole Source Distributor; and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(13): “Contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible to award by competitive bidding.” The cost will be \$23,257.00.

Adopted on this 9th day of October, 2017

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Karin Wilson, Mayor

Attest:

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Lisa A. Hanks, MMC  
City Clerk

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope has voted to procure the Annual VMware Technical Support for Primary and Backup Data Centers for the IT Department in the amount of \$10,420.00 and the type of software is available for direct procurement through the National Joint Powers Alliance (“NJPA”) Buying Group Contract; and therefore, does not have to be let out for bid. This has been nationally bid through the NJPA’s bid process. The motion was seconded by Councilmember Conyers. IT Director Jeff Montgomery explained this was an annual maintenance support for our servers. Council President Burrell asked Mr. Montgomery was there and key logging or tracking software on City computers. Mr. Montgomery replied no. After further discussion, motion passed unanimously by voice vote.

9 October 2017

**RESOLUTION NO. 2898-17**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, as follows:

That the City of Fairhope has voted to procure the Annual VMware Technical Support for Primary and Backup Data Centers for the IT Department in the amount of \$10,420.00 and the type of software is available for direct procurement through the National Joint Powers Alliance (“NJPA”) Buying Group Contract; and therefore, does not have to be let out for bid. This has been nationally bid through the NJPA’s bid process.

Adopted on this 9th day of October, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

Councilmember Brown introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Karin Wilson is hereby authorized to execute the second (final) extension of the Contract with BWI Companies, Inc. for Potting Soil for the Public Works Department (Bid Number 005-16) for an additional one year as per the terms and conditions of the original contract. The price will be \$9,729.00 per truckload (\$10.81 per bag x 900 bags) with an estimated annual cost for 5 truckloads of \$48,645.00. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

**RESOLUTION NO. 2899-17**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Karin Wilson is hereby authorized to execute the second (final) extension of the Contract with BWI Companies, Inc. for Potting Soil for the Public Works Department (Bid Number 005-16) for an additional one year as per the terms and conditions of the original contract. The price will be \$9,729.00 per truckload (\$10.81 per bag x 900 bags) with an estimated annual cost for 5 truckloads of \$48,645.00.

Adopted on this 9th day of October, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

9 October 2017

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope elects to come under the provisions of Section 2 of Act 367 of the Regular Session of the 2017 Alabama Legislature. The City of Fairhope agrees to provide all funds necessary to the Employee's Retirement System to cover the cost of the one-time lump sum payment as provided for by said Act for those eligible employees retired and beneficiaries of deceased retirees of the City of Fairhope with the aforementioned increase being paid in October 2017. The motion was seconded by Councilmember Robinson.

Councilmember Robinson stated he has a special place for City employees, but we should help our former employees and support this. Councilmember Boone reiterated what Councilmember Robinson said; and we appreciate them. Councilmember Conyers said he would be the devil's advocate; and we should appreciate our employees and past employees. However, he would rather spend on current employees and current items. Councilmember Brown agreed with Councilmember Conyers; and said we appreciate employees but we have infrastructure needs. Council President Burrell said that in our State we are recognized as supporting our employees; and this is an incentive to hire employees. Council President Burrell said he will support this resolution. After further discussion, motion passed by the following voice votes: AYE – Burrell, Robinson, and Boone. NAY – Conyers and Brown.

**RESOLUTION NO. 2900-17**

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, FAIRHOPE, ALABAMA, that the City of Fairhope elects to come under the provisions of Section 2 of Act 367 of the Regular Session of the 2017 Alabama Legislature.

The City of Fairhope agrees to provide all funds necessary to the Employee's Retirement System to cover the cost of the one-time lump sum payment as provided for by said Act for those eligible employees retired and beneficiaries of deceased retirees of the City of Fairhope with the aforementioned increase being paid in October 2017.

ADOPTED THIS 9TH DAY OF OCTOBER, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

9 October 2017

Councilmember Robinson introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council approves the additional \$1,000.00 (increasing the funds up to \$4,500.00) for the Operations Director Richard Peterson, as Engineer of Record for the Marina Repairs, to secure technical data regarding capacity and condition of the travel lift facility and potential forklift. Seconded by Councilmember Conyers, motion passed unanimously by voice vote. Councilmember Brown commented he was concerned with dry storage building.

**RESOLUTION NO. 2901-17**

**WHEREAS**, on September 11, 2017 the City Council approved for Operations Director Richard Peterson, as Engineer of Record for the Marina Repairs, is hereby authorized to expend appropriate but necessary funds up to \$3,500.00 to secure technical data regarding capacity and condition of the travel lift facility and potential forklift via Resolution No. 2878-17; and

**WHEREAS**, after evaluating the project it has been determined that the cost will be \$4,500.00 (an increase of \$1,000.00) to secure technical data regarding capacity and condition of the travel lift facility and potential forklift.

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council approves the additional \$1,000.00 (increasing the funds up to \$4,500.00) for the Operations Director Richard Peterson, as Engineer of Record for the Marina Repairs, to secure technical data regarding capacity and condition of the travel lift facility and potential forklift.

DULY ADOPTED THIS 9TH DAY OF OCTOBER, 2017

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Karin Wilson, Mayor

Attest:

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Lisa A. Hanks, MMC  
City Clerk

Council President Burrell said that Bob Watts is a boat owner and a resident of Sea Cliff Drive. He said this is a good diverse group and some have differences in opinion. Councilmember Conyers questioned staggering terms. Councilmember Boone moved to reappoint Tony, Chavers, Scott Douglass, John Henry, Jr., Skip Jones, Bob Riggs, and Tom Yeager and to appoint Bob Watts to the Harbor Board for a four-year term which will expire October 2021. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

9 October 2017

City Council reviewed an application for a Non-Profit Tax-Exempt License (Alcoholic Beverage License) by Baldwin County Humane Society, for The Black Cat Ball, located at 401 Oak Street, Lawn in Front of Building, Fairhope, Alabama on October 26, 2017. Councilmember Brown moved to approve the issuance of the license. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

City Council reviewed an application for a Restaurant Liquor License by Douglas Lambert for Dumbwaiter Restaurant, LLC, d/b/a Dumbwaiter Restaurant, located at 58 N. Section Street, Fairhope, Alabama. Councilmember Brown moved to approve the issuance of the license. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council approves the selection of PPM Consulting, Inc., for RFQ No. PS002-18, Professional Environmental Consulting Services relating to the Installation of Fuel Tanks and the Preparation of the Spill Containment Plan at Fairhope Docks; and hereby authorizes mayor Karin Wilson to establish a fee schedule; establish a not-to-exceed limit of \$3,700.00; and execute the associated contract. Seconded by Councilmember Robinson, motion passed unanimously by voice vote.

**RESOLUTION NO. 2902-17**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council approves the selection of PPM Consulting, Inc., for RFQ No. PS002-18, Professional Environmental Consulting Services relating to the Installation of Fuel Tanks and the Preparation of the Spill Containment Plan at Fairhope Docks; and hereby authorizes Mayor Karin Wilson to establish a fee schedule; establish a not-to-exceed limit of \$3,700.00; and execute the associated contract.

Adopted on this 9th day of October, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk



9 October 2017

Council President Burrell read the request for a resolution to approve the use of the City's street sweeper at the Grand Hotel. City Attorney "Tut" Wynne read the sections from the Code of Alabama and Selective Readings regarding the Public Purpose Doctrine. He said the City Council must determine a public purpose exists and then the City can do this. Public Works Director Richard Johnson commented that the City had performed this for the Grand Hotel in the past. Mr. Johnson said this would be the Grand Hotel's main roadway. It was determined that if the Grand Hotel's ability to open was accelerated then it would help the City's prosperity.

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council authorizes the City to sweep the Grand Hotel's main roadway to accelerate the entity's ability to open to help the City's prosperity. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

**RESOLUTION NO. 2903-17**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA,** That the City Council authorizes the City to sweep the Grand Hotel's main roadway to accelerate the entity's ability to open to help the City's prosperity.

Adopted on this 9th day of October, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

The following individuals spoke during Public Participation for Non-Agenda Items:

- 1) Erik Cortinas, on behalf of the Fairhope Pirate Booster Club, addressed the City Council and reminded them of the annual breakfast. He said this event will be held on October 21, 2017 at the Fairhope High School beginning at 8:00 a.m. Mr. Cortinas said the menu will be sausage biscuits and gravy with eggs. He mentioned Fairhope High School Football team winning its 500th career game. He mentioned also, WNSP will be at the Fairhope and McGill game.

9 October 2017

- 2) Doug Jones, 27548 Tecumseh Court, addressed the City Council regarding the Quail Creek Golf Course and its condition. He said five years ago the City put in new grass; and two years ago, a new irrigation system. He said a massive rain storm washed away part of the course and cart paths. Mr. Jones commented a guy from Louisiana played three holes and demanded his money back. He also mentioned the Pro Shop has not been repaired for six to nine months.

Council President Burrell stated that Bobby Hall should be given control over the golf course. Mayor Wilson said that Lynn Maser had met with Quail Creek residents; and Parks & Recreation can cut the greens. Ms. Maser said she was in contact with Lawrence Wilson regarding the bids.

Councilmember Brown said the construction world is slow and then government slows it down more. Ms. Maser stated the Golf Course is being brought under Parks & Recreation; will have a program to tell us about greens and water; and stating in-house with expertise. Council President Burrell said the course conditions have declined; and irrigation was supposed to increase the conditions.

- 3) Wendy Solomon, 123 Sandy Ford Road, addressed the City Council and thanked the City for street sweeping her street after she mentioned at the last meeting. Ms. Solomon also thanked City Clerk Lisa Hanks and Lynn Maser for taking care of this matter. She then mentioned the wetlands behind her house and the bad odors. Ms. Solomon passed out pictures of the wetlands to the City Council.
- 4) Rodney Kilgore, 10273 Solon Court, addressed the City Council regarding State Highway 181 and State Highway 104 and traffic issues. Mr. Kilgore said the congestion is unbearable at this intersection; and requested a feasibility study be done. He suggested the possibility of lengthening the lights to help with traffic. Council President Burrell suggested he speak to the State and County representatives about his concerns. He said that it is a high priority for the County to get highway four-lane.
- 5) Ray Hartwell, 57 Morphy Avenue, addressed the City Council regarding the intersections at Section Street and Volanta and Section Street and Gayfer. Mr. Hartwell's concern was the traffic lights and if no one is at the intersection why do the lights change to red. He suggested a sensor at each intersection. Council President Burrell commented he understood and agreed the time needed to be looked at for the lights.

9 October 2017

Councilmember Brown moved to adjourn the meeting. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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

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Jack Burrell, Council President

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Lisa A. Hanks, MMC  
City Clerk



Work Session

Monday, 9 October 2017

Page -2-

- Councilmember Brown stated that the EAC has requested \$350,000.00, but do not have anything specific for funding at this time. There has been no data back from what they had used for funding. Council President Burrell commented experts said they needed Professional Development so we funded; but previously we said we would not fund. There are no benchmarks from schools.
- Councilmember Conyers mentioned the Fairhope Environmental Advisory Boards and Clean Water. He asked for Casi Callaway and Cade Kistler from Mobile Baykeeper addressed the City Council regarding testing at Fly Creek. They want to test and find out where the bacteria are coming from. Ms. Callaway said this would be three months of testing. Mayor Wilson said testing is already in the budget. Mr. Kistler commented they were looking at below Scenic 98 and above on Fly Creek. Ms. Callaway said we will test and study one area and then go to another area with a cost of approximately \$6,500.00 with 144 tests. Councilmember Conyers said we need to look at long-term needs; and find source before going forward. Council Mayor Wilson recommended for Ms. Callaway to get with Richard Peterson on testing. President Burrell said we need to review Peterson's proposal and bring back next meeting.
- Councilmember Conyers brought up the application from the Mystic Mutts of Revelry that was declined which is the same day as KOER. Council President Burrell said the ordinance did not specify. Councilmember Robinson said it always had been same day. Councilmember Conyers said the Downtown Merchants shut down for this parade. Councilmember Boone commented whatever it takes the dog parade is a "yes." Council President said we can change ordinance or give a variance from the ordinance. City Clerk Lisa Hanks was asked to check the ordinances.
- Councilmember Brown said the Financial Advisory Committee met last Thursday and the City Council needs to point a liaison. Mayor Wilson said they are meeting once a month; and the City Council only meets twice a month. She said this will slow down process; and will be detrimental to City. Council President Burrell said we appoint Councilmember Brown to the Fairhope Advisory Committee.  
  
Councilmember Brown said if outside the budget bring to City Council. Councilmember Robinson said this Committee just started and should flow better; and it is better to be right than fast. Mayor Wilson said it takes six months to procure items for the City. Council President Burrell said procurement policies were added to the resolution. Mayor Wilson read the paragraph that will hinder the City. Council President Burrell commented that was verbatim from the 2009 resolution.
- Council President Burrell brought up the marina regarding fuel dock and fuel pumps. A resolution to select PPM for Professional Environmental Consulting Services needs to be added to the agenda relating to the Installation of Fuel Tanks and the Preparation of the Spill Containment Plan at Fairhope Docks; to authorize mayor Karin Wilson to establish a fee schedule; establish a not-to-exceed limit of \$3,700.00; and execute the associated contract. The City will be managing the marina in one week. We need fuel tanks and pump out station.

- Council President Burrell said he had met with Councilmember Brown for over four hours on the proposed budget. He said we may have special meetings to ask questions. He commented lack of communication is not lacking as looking at the budget.
- Public Works Director Richard Johnson addressed the City Council and said we are assessing damage from Hurricane Nate: shoreline is the major damage and the majority of our public piers are damaged. Councilmember Brown mentioned the bulkhead south of pier.
- Electric Superintendent Joe Wolchina addressed the City Council and reported there were only six local outages.
- Water and Sewer Superintendent Dan McCrory addressed the City Council and thanked the City employees who took care of citizens and also thanked the Fairhope Volunteer Fire Department. He said the City reduced flow instead of turning off customers on County Road 1.
- Operations Director Richard Peterson addressed the City Council and said we cut one valve off and cracked the other valve on customers on County Road 1. He said we are looking at a possible by-pass to the line, but give pressure to citizens. Mr. Peterson said we had crew available from Florida if needed through Electric Cities.
- Gas Superintendent Robert Rohm addressed the City Council and reported no damage from storm. He did mention a meeting with Davidson Oil for fuel tanks.
- Community Affairs Director Sherry-Lea Botop addressed the City Council and said we had a good action plan. She said we are working on resilience grants and mitigation for better funding to better improve.
- Planning Director Wayne Dyess addressed the City Council reported that the moratorium has expired, so projects will be coming to the Planning Commission.
- Chief Chris Ellis addressed the City Council and said all stations were manned during storm. He mentioned fire prevention program for children, the explorer post competed in Helena, and the Fire Department answered 1,025 service calls.
- Chief Joseph Petties addressed the City Council said that all Departments worked well together during the storm. Lt. Hollinghead handle it well while I was out of town. The City needs to communicate with the public better.

There being no further business to come before the City Council, the meeting was duly adjourned at 5:52 p.m.

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Jack Burrell, Council President

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Lisa A. Hanks, MMC  
City Clerk

STATE OF ALABAMA            )(  
                                          :  
COUNTY OF BALDWIN        )(

The City Council met in an Agenda Meeting at 5:30 p.m.,  
Fairhope Municipal Complex Council Chamber,  
161 North Section Street, Fairhope, Alabama 36532,  
on Monday, 9 October 2017.

Present were Council President Jack Burrell, Councilmembers: Jay Robinson, Jimmy Conyers, Robert Brown, and Kevin Boone, Mayor Karin Wilson, City Attorney Marion E. Wynne, and City Clerk Lisa A. Hanks.

Due to the Work Session Agenda Items needing more time for an extensive discussion, the Agenda Meeting was not held.

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Jack Burrell, Council President

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Lisa A. Hanks, MMC  
City Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1253 KNOWN AS THE ZONING ORDINANCE TO AMEND ORDINANCE NO. 1273: A PLANNED UNIT DEVELOPMENT KNOWN AS EAST PARK SUBDIVISION; TO APPROVE A SITE PLAN; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA as follows:

The City of Fairhope approved a request to zone property to a PUD - Planned Unit Development to be known as East Park Subdivision on the 24<sup>th</sup> of October 2005.

Wendell and Charlotte Barnhill made an application to amend said ordinance, and

After appropriate public notice and hearing, on April 3, 2017, the Planning Commission of the City of Fairhope, Alabama, has forwarded a favorable recommendation to the City Council for amendment of Zoning Ordinance No. 1253 as set forth herein;

The property of Wendell and Charlotte Barnhill is located on the north side of Parker Road between U.S. Hwy. 98 and High Ridge Road, at 7625 Parker Road.

**EAST PARK SUBDIVISION**

**TAX PARCEL: 05-46-03-05-0-000-010.007**

Legal Description: (Case Number ZC 17.01)

FROM THE NORTHEAST CORNER OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 89 DEGREES 37 MINUTES 22 SECONDS WEST 1545.07 FEET TO AN IRON PIPE FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 03 MINUTES 54 SECONDS WEST 519.71 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 49 SECONDS WEST, 615.34 FEET TO AN IRON PIPE; THENCE RUN NORTH 89 DEGREES 17 MINUTES 09 SECONDS WEST 332.05 FEET TO AN IRON PIPE; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 55 SECONDS WEST 150.23 FEET TO AN IRON PIPE; THENCE RUN NORTH 89 DEGREES 30 MINUTES 03 SECONDS WEST, 83.81 FEET TO A CONCRETE MONUMENT; THENCE RUN NORTH 89 DEGREES 19 MINUTES 08 SECONDS WEST 15.98 FEET TO AN IRON PIPE; THENCE RUN NORTH 00 DEGREES 01 MINUTES 23 SECONDS WEST, 397.68 FEET TO AN IRON PIPE; THENCE RUN NORTH 00 DEGREES 05 MINUTES 22 SECONDS WEST, 327.17 FEET TO AN IRON PIPE; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 22 SECONDS WEST 83.29 FEET TO AN IRON PIPE; THENCE RUN NORTH 00 DEGREES 01 MINUTES 58 SECONDS EAST 279.96 FEET TO AN IRON PIPE; THENCE RUN NORTH 89 DEGREES 43 MINUTES 03 SECONDS EAST, 83.13 FEET TO AN IRON PIPE; THENCE RUN NORTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, 284.62 FEET TO AN IRON PIPE; THENCE RUN SOUTH 88 DEGREES 43 MINUTES 30 SECONDS EAST, 434.10 FEET TO THE POINT OF BEGINNING, CONTAINING 12.18 ACRES MORE OR LESS.

SUBJECT TO A 20 FOOT INGRESS AND EGRESS EASEMENT DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 89 DEGREES 37 MINUTES 22 SECONDS WEST 1545.34 FEET TO AN IRON PIPE; THENCE RUN NORTH 88 DEGREES 43 MINUTES 30 SECONDS WEST, 434.10 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTH 00 DEGREES 02 MINUTES 25 SECONDS WEST 284.62 FEET TO AN IRON PIPE; THENCE RUN SOUTH 00 DEGREES 01 MINUTES WEST, 279.60 TO A POINT; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 22 SECONDS WEST, 63.29 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 22 SECONDS WEST. 20 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 01 MINUTES 58 SECONDS EAST,



279.96 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 44 MINUTES 50 SECONDS EAST, 20.0 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 01 MINUTES 58 SECONDS WEST, 279.93 FEET TO THE POINT OF BEGINNING.

1. **That**, in Case Number ZC 07.01 the property described below shall develop in substantial conformity with the attached site plan attached as "Exhibit A". Any substantial deviation from the attached site plan, as determined by the Director of Planning and Building will require re-approval by the Planning Commission and the City Council of the City of Fairhope, Alabama as a PUD amendment;

2. **That**, the following amendments have been made to the PUD:

Uses:

- Lot 1 – Single Family Residential, Church, and Church School.
- Lot 2 – Personal storage and all allowable uses consistent with the B-2 zoning district.

Buffer: Landscape buffering in accordance with Article IV.B.2(b) between the subject parcel and abutting single family uses.

- "b. In any district where a commercial/industrial use abuts a residential use, screening/buffering shall be required. Acceptable screening/ buffering shall include a wall or fence of solid appearance, or tight evergreen hedge not less than six feet (6') in height and a twenty-foot (20') landscaped buffer containing at least one (1) overstory tree and five (5) shrubs per every twenty-five linear feet (25')."

**The Planned Unit Development (PUD), for East Park Subdivision (Ordinance No. 1273), is hereby amended.** This property shall hereafter be lawful to construct on such property any structures permitted by Ordinance No. 1253 and to use said premises for any use permitted or building sough to be erected on said property shall be in compliance with the building laws of the City of Fairhope and that any structure be erected only in compliance with such laws, including the requirements of Ordinance No. 1253.

**Severability Clause** - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

**Effective Date** – This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS 23RD DAY OF OCTOBER, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

ATTEST:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk





# City of Fairhope City Council

Case: ZC 17.01 East Park PUD Amendment

**Applicant Name:**

Wendell and Charlotte Barnhill

**Owner:**

Same as Applicant

**Project Type:**

Amendment to East Park PUD

**PPIN Number:**

32028

**General Location:**

7625 Parker Road  
Northside of Parker Road  
between U.S. 98 and High Ridge  
Road

**School District:**

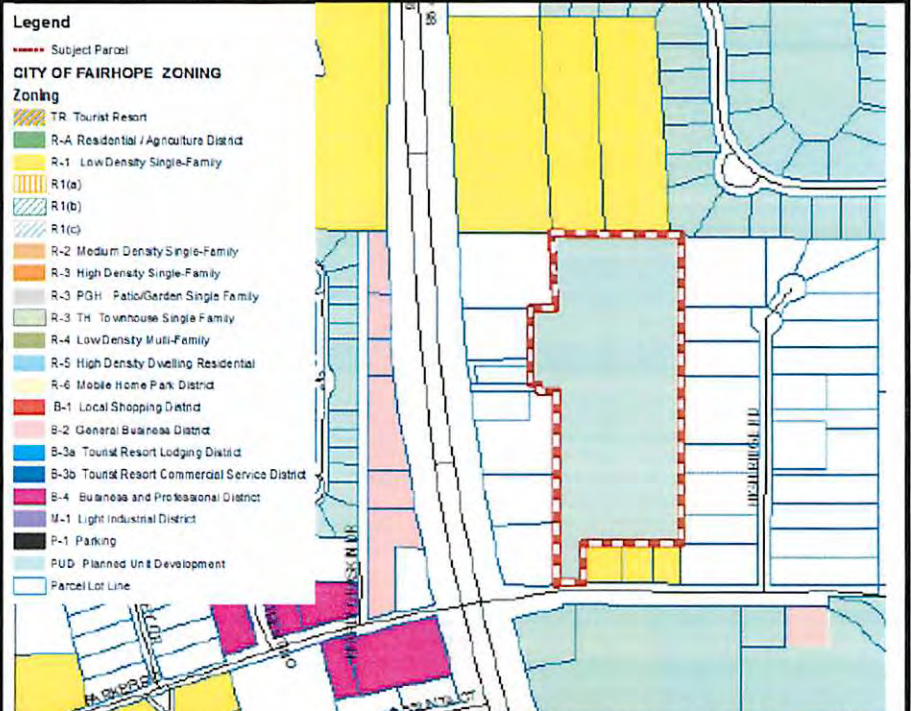
Fairhope

**Staff Recommendation:**

Approve with conditions

**PC Recommendation:**

Favorable recommendation to  
approve with one condition

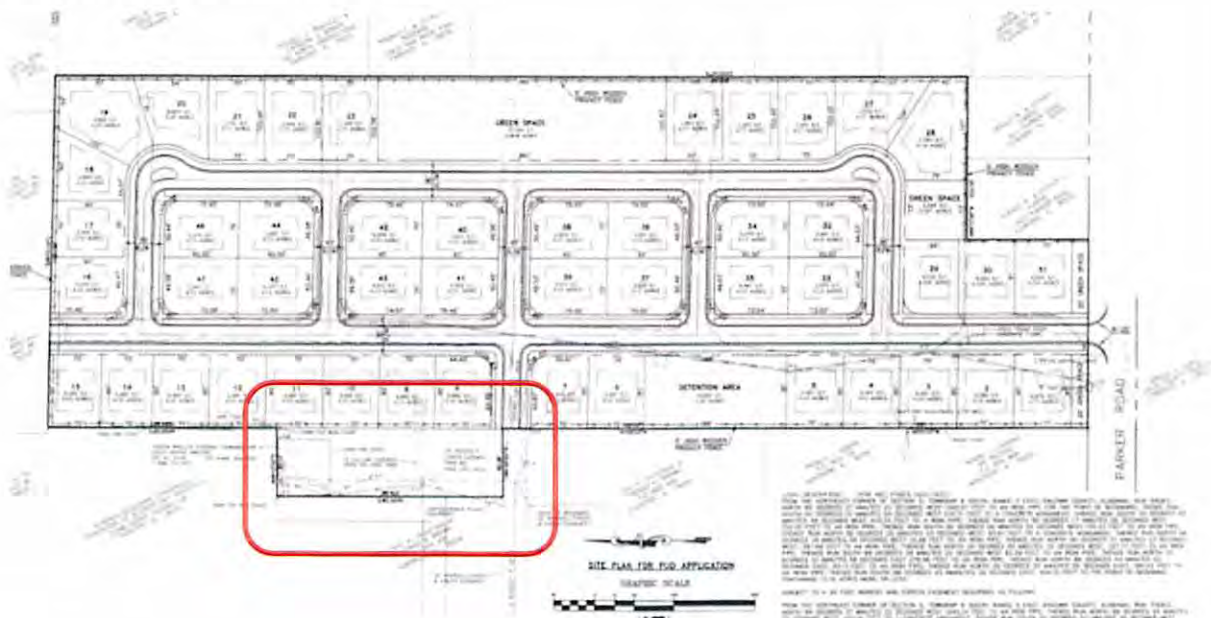




**Summary of Request:**

The East Park PUD was established by the City Council through Ordinance No. 1273, on October 24, 2005. The PUD comprises 12.18 acres. The development was approved as a patio home development containing 47 single family lots and one parcel (279'x 83') which does not contain any home sites located on the west side of the subject property (See Image 1).

Image -1 East Park PUD 2005



The proposed amendment is being submitted per Article IV, Section A.7, which states the following:

***“Planned Unit Development Amendments – Changes or amendments to a Planned Unit Development shall be processed in the same manner as the original request. Slight changes in the detail of the Planned Unit Development that do not change the intent, meaning, relationship of structures to each other may be approved by the Director of Planning and Building”.***

The applicant is requesting to amend the PUD to include a church school with a small parcel to be a personal storage building. In addition, the applicant wishes to establish allowable uses consistent with the B-2 zoning district (See Image 2 and Image 3).

Image 2 – Area Subject of Amendment Outlined in Red

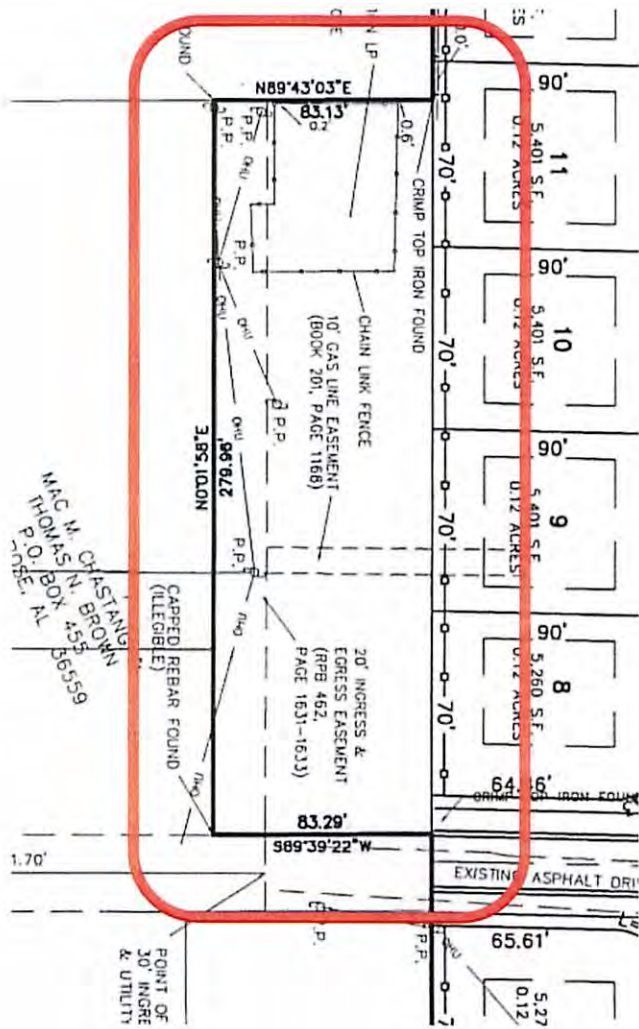
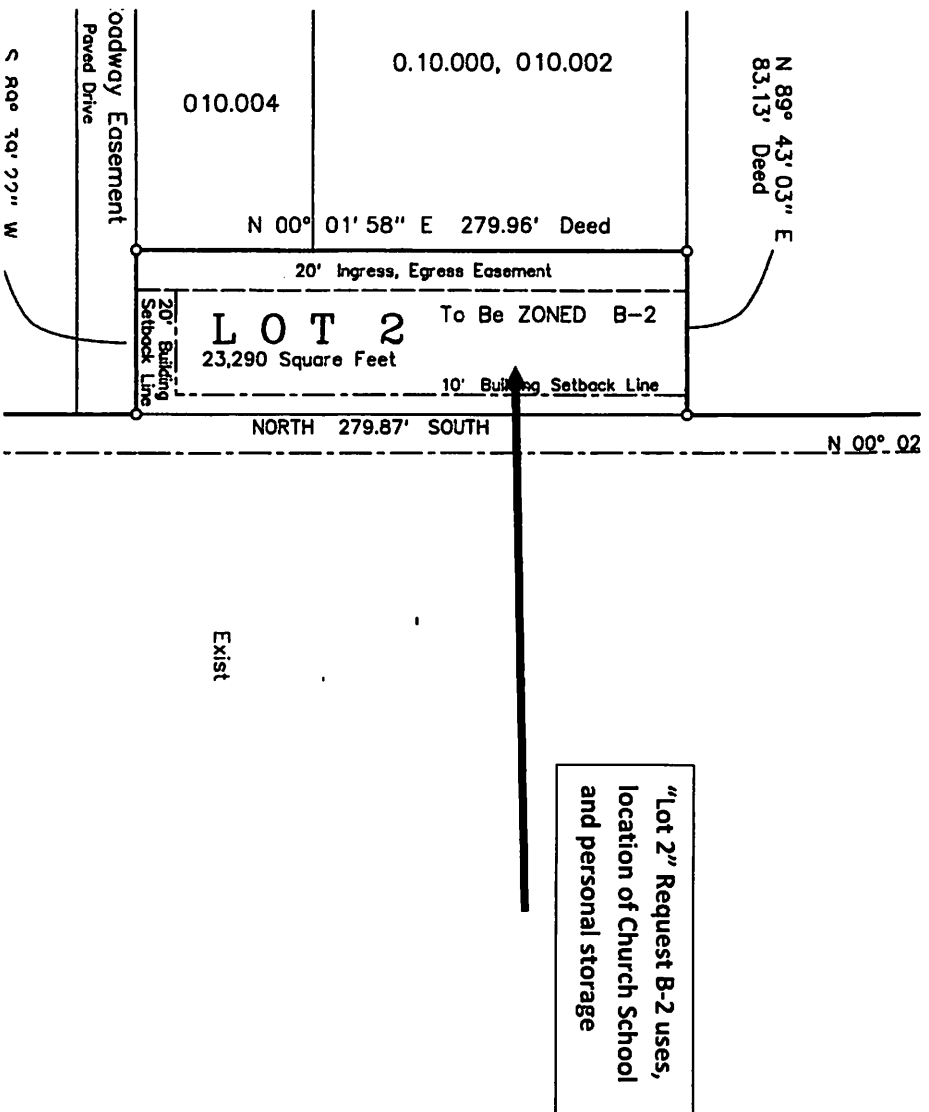


Image 3 – Proposed ZC 17.01 PUD Amendment as provided by applicant

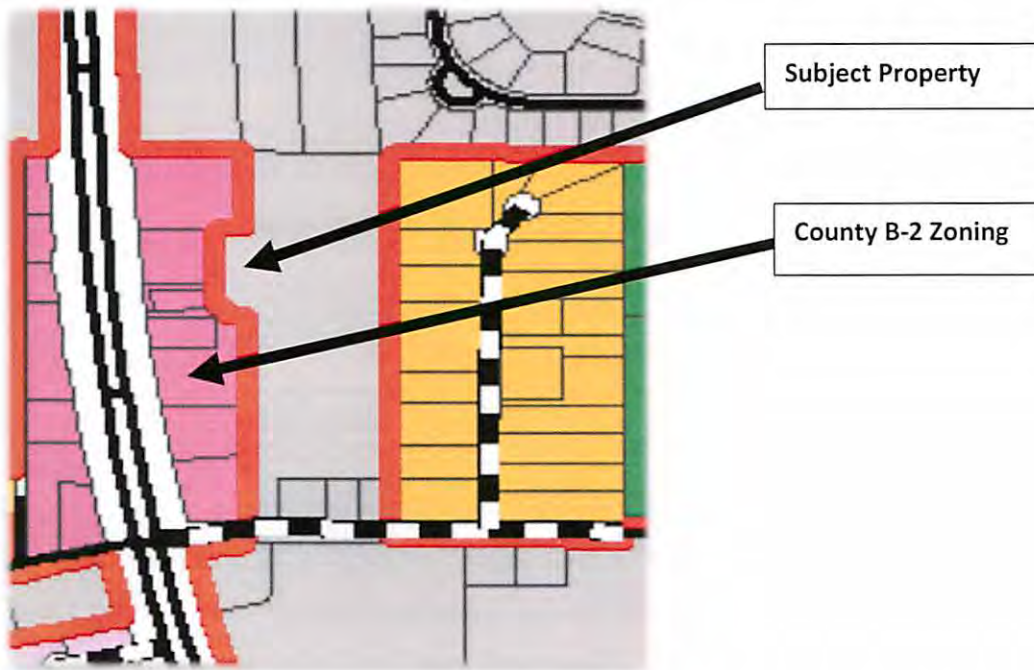


**Comments:**

The subject parcel to be amended abuts property located in unincorporated Baldwin County located in Planning District 16, which is a zoned area. The western abutting properties have frontage on U.S. 98 and designated B-2 zoning through the Baldwin County Zoning Ordinance and currently contains commercial buildings (see image 4 below).



Image 4 – County Planning District 16



According to the Baldwin County Zoning Ordinance, the B-2 Zoning District intent is as follows:

***“Section 5.2 B-2, Neighborhood Business District***

***5.2.1 Purpose and intent. The purpose and intent of the B-2 Neighborhood Business District is to provide a limited commercial convenience facility, servicing nearby residential neighborhoods, planned and developed as an integral unit”.***

Effect of the PUD

The school site is considered a Civic Use by the permitted uses in the Zoning Ordinance. Therefore, no buffering is required and no deviation is necessary in the PUD amendment.

***Fairhope Zoning Ordinance***

***“Article IV.B.2. Screening***

***b. In any district where a commercial/industrial use abuts a residential use, screening/buffering shall be required. Acceptable screening/buffering shall include a wall or fence of solid appearance, or tight evergreen hedge not less than six feet (6’) in height and a twenty foot (20’) landscaped buffer containing at least one (1) overstory tree and five (5) shrubs per every twenty-five linear feet (25’)”.***

A PUD can provide waivers to the strict requirements of the Zoning Ordinance. According to the Zoning Ordinance, buffering between uses is only required when abutting commercial or industrial uses (ArticleIV.B.2(b)).

***“In any district where a commercial/industrial use abuts a residential use, screening/buffering shall be required. Acceptable screening/buffering shall include a wall or fence of solid appearance, or tight evergreen hedge not less than six feet (6’) in height and a twenty foot (20’) landscaped buffer containing at least one (1) overstory tree and five (5) shrubs per every twenty-five linear feet (25’)”.***

Therefore, if the change in use is approved, the required buffering would not be required. However, staff does have concern with a school site and B-2 uses (commercial) located adjacent to single family uses contained in the PUD. It is staff’s position that buffering between the proposed church school and commercial uses and the single-family homes would be appropriate and could mitigate the incompatible uses.

**Staff Recommendation:**

Staff recommends **APPROVAL** with the following **condition**:

1. Landscape buffering in accordance with Article IV.B.2(b) between the subject parcel and abutting single family uses.

**Planning Commission Recommendation:**

On April 3, 2017, the Planning Commission voted unanimously to approve the request and forward a **favorable** recommendation to the City Council to approve the PUD Amendment with the following condition:

1. Landscape buffering in accordance with Article IV.B.2(b) between the subject parcel and abutting single family uses.



The Planning Commission met Monday, April 3, 2017 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson George Roberds, Vice-Chair; Richard Peterson; Charles Johnson; Ralph Thayer; Hollie MacKellar; David Martin; Jimmy Conyers; Wayne Dyess, Planning Director; Nancy Milford, Planner; Emily Boyett, Secretary; and Ken Watson, City Attorney  
Absent: none

Chairman Turner called the meeting to order at 5:03 PM and announced the meeting is being recorded. He introduced Richard Peterson and Charles Johnson and welcomed them to the Commission.

The minutes of the March 6, 2017 meeting were considered and Ralph Thayer moved to accept the minutes as written and was 2<sup>nd</sup> by David Martin. The motion carried with abstentions by Lee Turner, Richard Peterson and Charles Johnson.

X

**ZC 17.01 Public hearing to consider the request of for an amendment to the East Park PUD (Planned Unit Development), Wendell and Charlotte Barnhill.** The property is located on the north side of Parker Road between US Hwy. 98 and High Ridge Road, at 7625 Parker Road. Mr. Dyess gave the staff report saying the East Park PUD was established by the City Council through Ordinance No. 1273, on October 24, 2005. The PUD comprises 12.18 acres. The development was approved as a patio home development containing 47 single family lots and one parcel (279' x 83') which does not contain any home sites located on the west side of the subject property. The applicant is requesting to amend the PUD to include a church school with a small parcel to be a personal storage building. In addition, the applicant wishes to establish allowable uses consistent with the B-2 zoning district. The subject parcel to be amended abuts property located in unincorporated Baldwin County located in Planning District 16, which is a zoned area. The western abutting properties have frontage on U.S. 98 and designated B-2 zoning through the Baldwin County Zoning Ordinance and currently contains commercial buildings. The school site is considered a Civic Use by the permitted uses in the Zoning Ordinance. Therefore, no buffering is required and no deviation is necessary in the PUD amendment. Therefore, if the change in use is approved, the required buffering would not be required. However, staff does have concern with a school site and B-2 uses (commercial) located adjacent to single family uses contained in the PUD. It is staff's position that buffering between the proposed church school and commercial uses and the single-family homes would be appropriate and could mitigate the incompatible uses. Staff recommendation is to approve with the following condition:

1. Landscape buffering in accordance with Article IV.B.2(b) between the subject parcel and abutting single family uses.

Mr. Barnhill address the Commission saying he originally wanted to develop the 47 home sites but now the church as approached him to allow for expansion of their school. He explained he wants to keep the small area on the west side of the property for a storage building. Mr. Peterson asked Mr. Barnhill if he was referring to the 84' x 280' lot and Mr. Barnhill responded yes, that is correct. Dr. Thayer asked what else the property could be used for instead of a school or church and Richard Skinner with the Eastern Shore Presbyterian Church stated the school has been in place for several years and they need more room for senior high classrooms. Mr.



Conyers asked if the entire site will be used for the school and Mr. Turner responded there will be a small portion Mr. Barnhill wants to keep for storage. Mr. Barnhill explained he could sell the property for much more but he wants to help the church and school grow.

Mr. Turner opened the public hearing. Having no one present to speak, he closed the public hearing.

Mr. Dyess stated the R-1 zoning district allows for school and the only question is for the small strip on the west side for storage.

Jimmy Conyers made a motion to accept the staff recommendation to approve with the following condition:

1. Landscape buffering in accordance with Article IV.B.2(b) between the subject parcel and abutting single family uses.

Hollie MacKellar 2<sup>nd</sup> the motion and the motion carried unanimously.

**ZC 17.02 Public hearing to consider the request to rezone property from R-1 Low Density Single Family Residential District to B-4 Business and Professional District, Clifford Street.**

The property is located on the northwest corner of the intersection of Farringdon Blvd. and US Hwy. 98 (a.k.a. Greeno Road). Mr. Dyess gave the staff report saying the applicant is seeking to rezone one parcel of approximately 31,300 sq.ft. from R-1 Low Density Single Family Residential District to B-4 Business and Professional District. The parcel is located on the west side of U.S. 98 (aka Greeno Road) in front of the Huntington Subdivision. Parcels located directly across the U.S. 98 are unzoned in unincorporated Baldwin County. The proposed use is an administrative office related to a wholesale lumber company. The proposed use is strictly an office use. No storage or similar uses are being requested, nor are they allowed. The subject property is a corner lot which contains approximately 120' of frontage on U.S. 98/Greeno Road and approximately 215' of frontage on Farringdon Blvd. which serves as the primary entrance into Huntington Subdivision, which serves approximately 100 lots. The lots size is approximately 31,300 sq.ft. The subject property abuts the 2 lots of the Huntington Subdivision which is currently zoned Planned Unit Development District. The subject property is zoned R-1 Low Density Single Family Residential District. The requested zoning for the subject property is B-4 Business and Professional District. The subject property is located south the Commercial Node at Greeno Road and Twin Beech Road. The Comprehensive doesn't define the size of the commercial node, but does provide a general location. Typically, commercial nodes are defined as a compact concentration of commercial land within a relatively small area. Ideally, such nodes are located around or near intersections of major city roadways (typically, 4 or more lanes, divided parkways, and boulevards). Once the node is established, it is difficult to define how far from the intersection subsequent commercial expansion should reach. Ideally, a commercial node should have internal access roads, shared parking, courtyards, walkways, or other features that binds the various commercial properties within the node together. This pattern of development reduces the traffic impacts associated with commercial development and promotes a pedestrian-friendly environment. The subject property is located approximately 1,800' south of the Twin Beach and Green Road commercial node and is located between Huntington Subdivision and Greeno Road. The parcel is currently vacant. Due to the proposed commercial use abutting a single family residential development, compatibility of uses is critical. The property's location and size lends itself to a use that has low impacts from noise, light and hours of operation. The office use would serve as a transition to the residential use and provide a buffer from Greeno Road. Staff recommendation is to approve. Mr. Dyess stated the applicant has indicated the site would become an office for their wholesale timber business.





**APPLICATION FOR ZONING DISTRICT CHANGE**

**Property Owner / Leaseholder Information**

Name: WENDELL BARNHILL Phone Number: 251-802-2665  
 Street Address: 111 N. INGLESIDE STREET  
 City: FAIRHOPE State: ALA Zip: 36532

**Applicant / Agent Information**

*If different from above.  
 Notarized letter from property owner is required if an agent is used for representation.*

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Current Zoning of Property: "PUD" SINGLE FAMILY RESIDENTIAL  
 Proposed Zoning/Use of the Property: "PUD" R-1 SINGLE FAMILY, B-2GENERAL BUSINESS  
 Property Address: 7625 PARKER ROAD, FAIRHOPE  
 Parcel Number: 05-46-03-05-0-000-010.007  
 Property Legal Description: SEE ATTACHED  
 Reason for Zoning Change: AMMENDING THE "PUD" FOR A CHURCH SCHOOL WITH A SMALL PARCEL TO BE A PERSONAL STORAGE BUILDING

Property Map Attached X YES NO  
 Metes and Bounds Description Attached X YES NO  
 Names and Address of all Real Property Owners within 300 Feet of Above Described Property Attached. X YES NO

Character of Improvements to the Property and Approximate Construction Date: SCHOOL PLAYGROUND, PARKING

Zoning Fee Calculation:  
**Reference: Ordinance 1269**

I certify that I am the property owner/leaseholder of the above described property and hereby submit this application to the City for review. \*If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

Wendell Barnhill  
 Property Owner/Leaseholder Printed Name  
1-27-17  
 Date

Wendell Barnhill  
 Signature  
 DEEDED PROPERTY NOT FST  
 Fairhope Single Tax Corp. (If Applicable)

**RECEIVED**  
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 BY: EB



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LEGAL DESCRIPTION: (RPB 462, PAGES 1631-1633)

FROM THE NORTHEAST CORNER OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 89 DEGREES 37 MINUTES 22 SECONDS WEST 1545.07 FEET TO AN IRON PIPE FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 03 MINUTES 54 SECONDS WEST 519.71 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 49 SECONDS WEST, 615.34 FEET TO A IRON PIPE; THENCE RUN NORTH 89 DEGREES 17 MINUTES 09 SECONDS WEST 332.05 FEET TO AN IRON PIPE; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 55 SECONDS WEST 150.23 FEET TO AN IRON PIPE; THENCE RUN NORTH 89 DEGREES 30 MINUTES 03 SECONDS WEST, 83.81 FEET TO A CONCRETE MONUMENT; THENCE RUN NORTH 89 DEGREES 19 MINUTES 08 SECONDS WEST 15.98 FEET TO AN IRON PIPE; THENCE RUN NORTH 00 DEGREES 01 MINUTES 23 SECONDS WEST, 397.68 FEET TO AN IRON PIPE; THENCE RUN NORTH 00 DEGREES 05 MINUTES 22 SECONDS WEST, 327.17 FEET TO AN IRON PIPE; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 22 SECONDS WEST 83.29 FEET TO AN IRON PIPE; THENCE RUN NORTH 00 DEGREES 01 MINUTES 58 SECONDS EAST 279.96 FEET TO AN IRON PIPE; THENCE RUN NORTH 89 DEGREES 43 MINUTES 03 SECONDS EAST, 83.13 FEET TO AN IRON PIPE; THENCE RUN NORTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, 284.62 FEET TO AN IRON PIPE; THENCE RUN SOUTH 88 DEGREES 43 NMINUTES 30 SECONDS EAST, 434.10 FEET TO THE POINT OF BEGINNING, CONTAINING 12.18 ACRES MORE OR LESS.

SUBJECT TO A 20 FOOT INGRESS AND EGRESS EASEMENT DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 89 DEGREES 37 MINUTES 22 SECONDS WEST 1545.34 FEET TO AN IRON PIPE; THENCE RUN NORTH 88 DEGREES 43 MINUTES 30 SECONDS WEST, 434.10 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTH 00 DEGREES 02 MINUTES 25 SECONDS WEST 284.62 FEET TO AN IRON PIPE; THENCE RUN SOUTH 00 DEGREES 01 MINUTES WEST, 279.60 TO A POINT; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 22 SECONDS WEST, 63.29 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 22 SECONDS WEST, 20 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 01 MINUTES 58 SECONDS EAST, 279.96 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 44 MINUTES 50 SECONDS EAST, 20.0 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 01 MINUTES 58 SECONDS WEST, 279.93 FEET TO THE POINT OF BEGINNING.

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BY: *SPB*

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**MOORE SURVEYING, INC.**  
PROFESSIONAL LAND SURVEYING  
555 NORTH SECTION STREET, FAIRHOPE, ALABAMA 36532  
PHONE (251) 928 - 6777  
Email mooresurveying@bellsouth.net

LEGAL DESCRIPTION

LEGAL DESCRIPTION	DATE	
	FIELD WORK DATE	
	DRAWN BY	
	JOB NO.	
	SCALE	

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 1253  
KNOWN AS THE ZONING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA as follows:

The ordinance known as the Zoning Ordinance (No. 1253), adopted 27 June 2005, together with the Zoning Map of the City of Fairhope, be and the same hereby is changed and altered in respect to that certain property described below:

After the appropriate public notice and hearing of the Planning Commission of the City of Fairhope, Alabama has forwarded a favorable recommendation,

The property of CDA, LLC and Carrigan Properties, LLC located at 806 and 812 N. Greeno Road, Fairhope, Alabama.

TAX PARCELS: 05-46-03-39-0-001-001.001  
05-46-03-39-0-001-009.000

**Legal Description:** (Case number ZC 17.04)

COMMENCE AT A 2-INCH IRON PIPE MARKER AT THE "LOCALLY ACCEPTED" NORTHEAST CORNER OF GRANT SECTION 39, TOWNSHIP 6 SOUTH, RANGE 2 EAST, ST. STEPIENS MERIDIAN, AND RUN THENCE SOUTH, A DISTANCE OF 329.31 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH, A DISTANCE OF 699.45 FEET TO AN OLD 1-INCH OPEN END IRON PIPE MARKER; THENCE RUN WEST 83.03 FEET TO AN IRON PIN MARKER ON THE EAST MARGIN OF U.S. HIGHWAY NUMBER 98, A/K/A GREENO ROAD; THENCE RUN NORTH 23 DEGREES 23 MINUTES 12 SECONDS WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 182.58 FEET TO AN IRON PIN MARKER; THENCE RUN NORTHWESTWARDLY, CONTINUING ALONG SAID RIGHT-OF-WAY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 3738.72 FEET, AN ARC LENGTH OF 471.53 FEET (CHORD BEARS NORTH 19°46'27" WEST, 471.21 FEET) TO A 6-INCH X 6-INCH CONCRETE RIGHT-OF-WAY MONUMENT AT ALIGNMENT "A" STATION 122+16.02 (& CONSTRUCTION STATION 122+20.97); THENCE RUN NORTH 16°10'21" WEST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 92.19 FEET TO AN IRON PIN MARKER; THENCE RUN SOUTH 89°59'00" EAST, 340.6 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 3.57 ACRES, MORE OR LESS, AND LIES IN THE NORTH 1/3 OF GRANT SECTION 39, TOWNSHIP 6 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

AND

LOT 2, ART'S SUBDIVISION AS RECORDED IN MAP BOOK 11, PAGE 181 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

1. **That**, Attached as "Exhibit A" is an approved site plan. The property must develop in substantial conformance with the approved site plan and supporting documents. Any substantial deviation from the attached site plan, as determined by the Director of Planning, will require re-approval by the Planning Commission and the City Council of the City of Fairhope, Alabama, as a PUD amendment.

2. That, the following development regulations shall govern:

Uses:

- **Office / Professional / Personal Service** – General and professional offices. Various service-related businesses. Professional office of all kinds including architecture, engineering, accounting, law, real estate, financial planner, bank with up to two drive through lanes, investment manager, IT consultant, computer services, insurance, beauty salon, barber shop, etc.
- **Medical / Professional** – Medical tenants of all kinds including doctor's offices and clinics, dentistry, optometry, dermatology, chiropractic, psychiatry, counseling, pharmacy (with up to two drive through lanes), medical supplies, medical testing/laboratory, etc.
- **Retail** – Limited to businesses that support the office/medical/professional tenants in the development, these tenants typically will occupy spaces on the first floor. Retail use shall not exceed 25% (15,000 sf) of the total gross square footage for the entire development. The type of businesses we propose for acceptance would include the following: Sandwich shop or deli, coffee shop, juice/smoothie shop, ice cream/candy shop, office supplies, gift shop, boutique merchandise, general merchandise (big box stores prohibited), restaurant (no drive through food service will be allowed), sidewalk cafes in patio/park areas.
- **Residential (Mixed Use)** – Residential units will be limited to the second or third floor on building fronting Greeno road (US 98). All other buildings can have residences on any floor. Residential use shall not exceed 25% (15,000 sf) of the total gross square footage for the entire development.
- **Other** – Other potential uses would include boutique hotels and churches.

Setbacks: These are indicated on the site plan.

Building Height: A maximum of three stories is allowed. Building height will be subject to the regulations at the time of building permit submittal.

Parking: The development will maintain a parking ratio of 1 space per 300 square feet of floor area. The total number of parking spaces is 201 spaces.

Hours of Operation: The hours of operation for the commercial development will be in the range of 7:00 AM to 12:00 PM.

Buffers:

- **Greeno Road buffer** – The landscape strip along Greeno Road (US 98) shall be a minimum of 25'. It shall meet all landscaping requirements and shall include understory and canopy trees.
- **North, east, and south buffer** – The landscape strip along the north, east, and south property line shall be a minimum of 10'. It shall meet all landscaping requirements and shall include at a minimum an opaque 8' fence in height and a 4' wide strip of evergreen plantings which will grow to at least 6' in height within three full growing seasons on the inside of the fence.

Building Square Footage: The total building area is 60,000 square feet. The maximum ground floor footprint of the building is 41,160 square feet.

Ordinance No. \_\_\_\_\_  
Page -3-

**The property is hereby rezoned from R-1 Low Density Single Family Residential District and R-4 High Density Multi-Family Residential District to PUD (Planned Unit Development).** This property shall hereafter be lawful to construct on such property any structures permitted by Ordinance No. 1253 and to use said premises for any use permitted or building sought to be erected on said property shall be in compliance with the building laws of the City of Fairhope and that any structure shall be approved by the Building Official of the City of Fairhope and that any structure be erected only in compliance with such laws, including the requirements of Ordinance No. 1253.

**Severability Clause** - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

**Effective Date** – This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS 23RD DAY OF OCTOBER, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

ATTEST:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk









# City of Fairhope City Council

Case: ZC 17.04 Park Place PUD

**Project Name:**

Park Place PUD

**Project Type:**

Rezoning

**Jurisdiction:**

City Limits

**Zoning District:**

R-1 Low Density (1 acre) and  
R-4 Low Density Multi-family

**PPIN Number:**

51434 and 12782

**General Location:**

806 and 812 North Greeno  
Road, east side across  
from Volanta Sports Park

**Engineer:**

Larry Smith P.E.  
S.E. Civil Engineering, LLC

**Applicant:**

Carrigan Properties, LLC

**School District:**

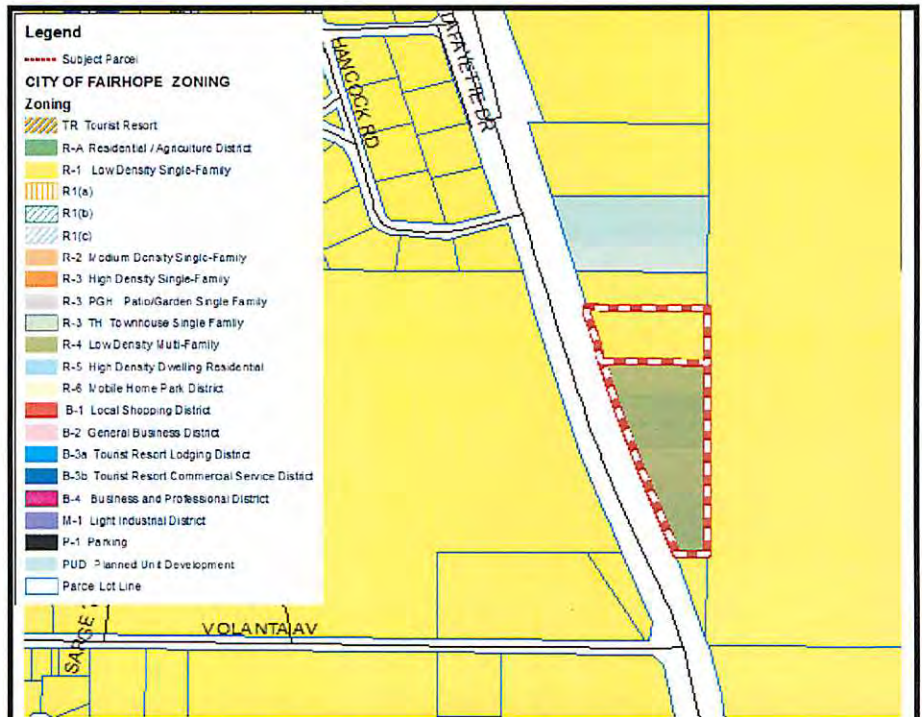
Fairhope Elementary, Middle,  
and High School

**Staff Recommendation:**

Denial

**PC Recommendation:**

Favorable recommendation to  
approve with one condition





**Summary of Request:**

The applicant is requesting to rezone the subject property from R-1 Low Density Single-Family and R-4 Low Density Multi-family to Planned Unit Development (PUD). The PUD consists of 11 buildings of 2 and 3 stories totaling 60,000 sq.ft. for office, retail, medical and residential mixed use component. The residential mixed use will be located on the 2<sup>nd</sup> and 3<sup>rd</sup> floors and will comprise 15,000 sq.ft. and an estimate of approximately 7 residential units (15,000 sq.ft. / 2,000 sq.ft. estimated average of a residential unit sq.ft.) number of residential units or 25% of the total building area.

**Zoning History of Nearby Properties:**

Case No. ZC 15.11 was a request of Fred Hayek to rezone property from R-1 Low Density Single Family Residential District to PUD (Planned Unit Development) consisting of 4, 2-story buildings for office/professional, retail, medical and food service uses. The property is located on the east side of Greeno Road across from Hancock Road, at 848 N. Greeno Road (Parcel #: 05-46-03-08-0-003-062.000), one parcel north of the subject property. The Planning Commission recommended approval of the PUD at their November 2, 2015 meeting. City Council approved the PUD on May 27, 2016. As of the writing of this report, the Hayek property has not submitted for Article II, Site Plan Approval per the Zoning Ordinance, Article IV. Multiple Occupancy Project per the Subdivision Regulations, or a building permit application and therefore has not developed the approved PUD.

**Current Conditions:**

The subject properties contain a single-family home and a manufactured home park.



*Photo date June 2, 2017*





*Photo date June 2, 2017*



*Photo date June 2, 2017*





*Photo date June 2, 2017*

**Comments:**

Municipal comprehensive plans are authorized by the Code of Alabama, §11-52-8, which allows municipalities to develop a master plan (comprehensive plan) for the physical development of the municipality. Further, §11-52-72, states that municipal zoning shall be established and made “in accordance with a Comprehensive Plan.” A municipality’s primary tool in implementing a comprehensive plan is through zoning ordinances and subdivision regulations as these tools are the basics of a municipalities physical development and appearance. The process of municipal review of changes to the zoning map of a city (re-zonings) is a very important and essential part of the zoning plan as changes to the zoning map sets allowable uses and sets precedent for subsequent rezoning’s.

Consistency in the rezoning process is central to the comprehensive planning process. When these pieces are “synced” together with a comprehensive plan, results are an orderly, planned, well thought out development process, hinging on a vision for the community. It also provides consistency and equity in the development process especially in terms of rezoning’s because the long-term development goals and intent are provided in the comprehensive plan. Additionally, it provides stability in the municipal development process because all parties, developer and public alike, have knowledge of how, when and where and to what extent the city desires and can accommodate growth.

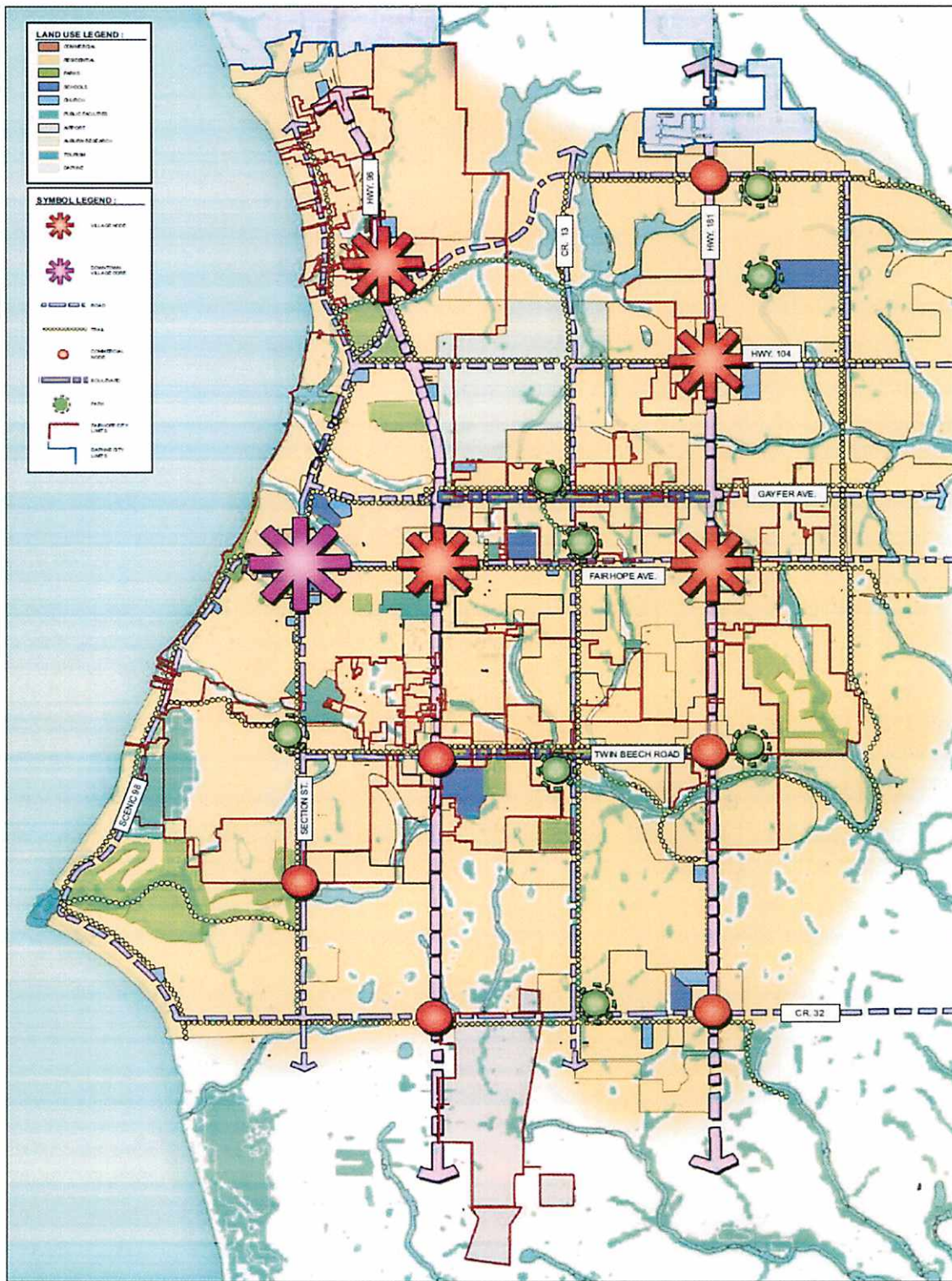
The Fairhope Comprehensive Plan has been based on a “village concept” since 2001<sup>1</sup>. The most recent Comprehensive Plan update was adopted on June 14, 2016. The village concept provides commercial development at designated locations or “nodes”, with mixed use and higher residential densities cascading to lower densities as you move from the village center. see *Figure 1. City of Fairhope Preferred Plan Concept*.

This planning approach is commonly known as Rural to Urban Transect development pattern. The Transect planning approach is characterized by a series of zones that transition from sparse rural areas to the dense urban center with each zone containing a similar transition from the edge to the center of the neighborhood. Integration and transition of uses, connectivity, form and walkability are all key components in Transect based planning. In contrast, the typical Euclidean Zoning model is characterized by density restrictions based on larger geographic single use districts segregated from “incompatible” uses with the goal of creating uniformity of uses and development. Euclidean Zoning is the most prevalent type of zoning in the United States and its history has proven that the development pattern it creates is auto-dependent and oriented, dependent on isolation and separation of uses which detracts from walkability and connectivity. The resulting development and design pattern is spread out without consideration of community form which can create an un-unique prototypical development. During the 2016 Plan Update, maintaining and creating the uniqueness of Fairhope was a common theme.

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<sup>1</sup> City of Fairhope Comprehensive Plan, page 52





CITY OF FAIRHOPE  
COMPREHENSIVE PLAN  
BALDWIN COUNTY, ALABAMA



CITY OF FAIRHOPE  
PREFERRED PLAN CONCEPT

PROJECT NO.	DATE:
14-1101-0332	MAY 17, 2016

Figure 1. City of Fairhope Preferred Plan Concept



The current Plan clarified the location of the two existing villages on Greeno Road that affect the subject property. The “North Village” which is the site of the Fairhope Publix shopping center is located north of the subject property and the “Greeno Road Village”<sup>2</sup> located at intersection of Greeno Road and Fairhope Avenue, see Figure 2. *City of Fairhope Preferred Plan Concept - Excerpt*. Villages are contemplated to have between 30,000 to 180,000 sq.ft. of commercial area at each location<sup>3</sup>.

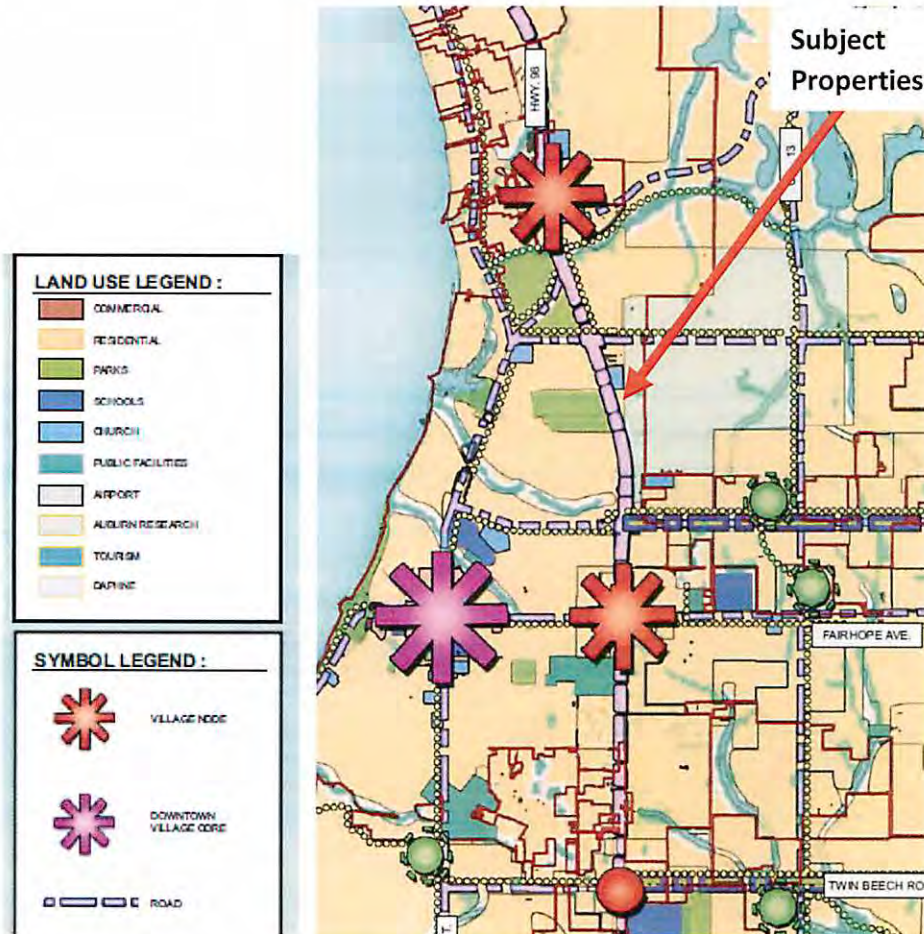


Figure 2. City of Fairhope Preferred Plan Concept - Excerpt

Specific to Greeno Road/U.S. 98 corridor, the Comprehensive Plan calls to “limit the north and south commercial creep<sup>4</sup>” along Greeno Road and to create edges along Greeno to indicate “where it (commercial) stops and where it begins<sup>5</sup>”. The Zoning Ordinance goes so far to identify the Greeno Road Village Center and impose limits on the size of free standing “single use or tenant retail building.<sup>6</sup>”

<sup>2</sup> City of Fairhope Comprehensive Plan, page 13

<sup>3</sup> City of Fairhope Comprehensive Plan, page 34

<sup>4</sup> City of Fairhope Comprehensive Plan, page 36

<sup>5</sup> City of Fairhope Comprehensive Plan, page 36

<sup>6</sup> City of Fairhope Zoning Ordinance, Article III, Section C.4., page 22

Further, under the 2016 Plan, the Development Framework, provides the following objective: “Guide commercial and high density growth to locations that can be efficiently and effectively served with utilities and public services such as police, fire, and public works.” A strategy under this object calls for the City to “Define the commercial growth of Greeno Rd. with edges, thus, ensuring an appropriate ending point<sup>7</sup>”. The Greeno Road Village and North Village fulfills this goal by creating definable locations to accommodate commercial growth rather than creating an unplanned strip commercial corridor.

The Plan contains permissible language for commercial development along Greeno Road per the following: “Only approve commercial growth that is contiguous to existing commercial activity, thereby eliminating leap frog commercial development<sup>8</sup>” No commercial zoning or existing development is contiguous to the subject property. An existing, undeveloped PUD containing commercial uses is contiguous to the northern boundary of the property. Since this PUD has not been developed and is therefore not an “existing commercial activity”, the proposed PUD is inconsistent with the Plan.

The subject property is located between the two villages, with a residential land use in the Comprehensive Plan. The land use indicated in the Comprehensive Plan for the subject property is residential. To the north the land use is “Church”, south is “Auburn Research”, east is “Auburn Research”, and west is “Parks”.

The specific proposal in the Park Place PUD is 5.27 acres with 44% open space, with 11 buildings with a building coverage of 41,160 (ground floor footprint), 60,000 sq. net. The propose uses of the PUD are:

1. Office/Professional (zoning ordinance equivalent of B-1, B-2, B-3b and B-4)
2. Medical/Professional (zoning ordinance equivalent B-1, B-2, B-3b and B-4 for professional and only on appeal for clinic which is the medical equivalent pursuant to definition of clinic in the Zoning Ordinance, Section B, Article IX.5. Definitions and Interpretation, Description of Uses.)
3. Retail (zoning ordinance equivalent of primarily B-1, B-2, and B-3b and on appeal for Automobile Service Station, Outdoor Sales Limited, Outdoor Sales Lot and Garden Center.)
4. Residential/Mixed Use (zoning ordinance equivalent of B-1, B-2, B-3a, B-3b, B-4 and VRM – Village Residential Mix)

**Staff Recommendation:**

Staff recommends DENIAL of the Park Place PUD based on the following:

1. The proposed PUD is a commercial/mixed use development which is located between two villages in the Comprehensive Plan (North Village and Greeno Road Village). These villages are intended to accommodate for commercial and mixed use development along the Greeno Road corridor, thereby creating boundaries of future commercial uses which limits “commercial creep” and

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<sup>7</sup> City of Fairhope Comprehensive Plan, Page 20

<sup>8</sup> City of Fairhope Comprehensive Plan, Page 46, Goals and Tasks



strip commercial development along Greeno Road. Further, the subject properties zoning is residential as well as its Comprehensive Plan land use designation. The proposed development is not located at a designated “village” center and lies between two villages. Due to the location, size, scale and uses of the PUD, the proposed development is inconsistent with the Comprehensive Plan and its village concept and is therefore “not in accordance with” the Plan. Staff believes that to achieve the vision of the Comprehensive Plan of a village development strategy along Greeno Road, committed adherence to the Plan is necessary.

2. The proposed PUD contains references to medical and professional uses. Referencing the medical uses, the City adopted a Medical Overlay District, Section H. Article V. Fairhope Zoning Ordinance, with the intent to “establish and provide for the logical expansion of medical office needs to accommodate the growing community and region.” Although there is no outright prohibition of medical uses outside this overlay, to fulfill the intent of the overlay, medical uses should be encouraged to locate with the overlay. This may explain why the clinic or medical uses are only allowed “on appeal” and not allowed by right, pursuant Table 3.1 – Use Table of the Article III, Section B of the Zoning Ordinance.

**Planning Commission Recommendation:**

On July 3, 2017 the Planning Commission voted 4 to 1 with one abstention to approve the request and forward a **favorable** recommendation to the City Council to approve the zoning change from R-1 Low Density Single Family Residential District and R-4 Low Density Multi-Family District to PUD (Planned Unit Development) with the following condition:

1. Increase the buffer and landscaping to include understory and canopy trees.

The applicant has revised the proposed Site Plan to incorporate the Planning Commission’s condition.



APPLICATION FOR ZONING DISTRICT CHANGE

Property Owner / Leaseholder Information
Name: CDA, LLC & Carrigan Properties, LLC Phone Number: 251-776-8767
Street Address: P.O. Box 241
City: Fairhope State: AL Zip: 36533

Applicant / Agent Information
Name: Larry Smith, PE Phone Number: 251-990-6566
Street Address: 1 S. School Street
City: Fairhope State: AL Zip: 36532

Current Zoning of Property: R-4
Proposed Zoning/Use of the Property: PUD
Property Address: 806 N. Greeno Road 812 N. Greeno Road
Parcel Number: 05-46-03-39-0-001-009.000 & 05-46-03-39-0-001-001.001
Property Legal Description: See attached.
Reason for Zoning Change: Re-development of the property into an office/retail complex.

- Property Map Attached (YES) NO
Metes and Bounds Description Attached (YES) NO
Names and Address of all Real Property Owners within 300 Feet of Above Described Property Attached. (YES) NO

Character of Improvements to the Property and Approximate Construction Date:
The first parcel has several rental trailers (Fairhope Trailer Court). The second parcel has a single family residence used for rental. Construction date unknown.

Zoning Fee Calculation:
Reference: Ordinance 1269

I certify that I am the property owner/leaseholder of the above described property and hereby submit this application to the City for review. \*If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

Jonathan Carrigan
Property Owner/Leaseholder Printed Name
5-22-17
Date

Signature
Fairhope Single Tax Corp. (If Applicable)

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The Planning Commission met Monday, July 3, 2017 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; Charles Johnson; Richard Peterson; Jimmy Conyers; Ralph Thayer; Hollie MacKellar; Wayne Dyess, Planning Director; Nancy Milford, Planner; Buford King, Planner; Emily Boyett, Secretary; and Ken Watson, City Attorney  
Absent: David Martin and Rebecca Bryant

Chairman Turner called the meeting to order at 5:00 PM and announced the meeting is being recorded.

The minutes of the June 5, 2017 meeting were considered and Ralph Thayer moved to accept the minutes with one correction and was 2<sup>nd</sup> by Jimmy Conyers. The motion carried with an abstention by Charles Johnson.

\* **ZC 17.04 Public hearing to consider the request of S.E. Civil Engineering, LLC to rezone property from R-1 Low Density Single Family Residential District and R-4 Low Density Multi-Family District to PUD (Planned Unit Development), Larry Smith.** The property is located on the east side of US Hwy. 98 (a.k.a. Greeno Road) just north of Volanta Avenue, to be known as Park Place PUD. Mr. Dyess gave the staff report saying the PUD consists of 11 buildings of 2 and 3 stories totaling 60,000 sq.ft. for office, retail, medical and residential mixed use component. The residential use will be located on the 2<sup>nd</sup> and 3<sup>rd</sup> floors and will comprise 15,000 sq.ft. and an estimate of approximately 7 residential units or 25% of the total building area.

Staff recommends DENIAL of the Park Place PUD based on the following:

1. The proposed PUD is a commercial/mixed use development which is located between two villages in the Comprehensive Plan (North Village and Greeno Road Village). These villages are intended to accommodate for commercial and mixed-use development along the Greeno Road corridor, thereby creating boundaries of future commercial uses which limits “commercial creep” and strip commercial development along Greeno Road. Further, the subject properties zoning is residential as well as its Comprehensive Plan land use designation. The proposed development is not located at a designated “village” center and lies between two villages. Due to the location, size, scale and uses of the PUD, the proposed development is inconsistent with the Comprehensive Plan and its village concept and is therefore “not in accordance with” the Plan. Staff believes that to achieve the vision of the Comprehensive Plan of a village development strategy along Greeno Road, committed adherence to the Plan is necessary.
2. The proposed PUD contains references to medical and professional uses. Referencing the medical uses, the City adopted a Medical Overlay District, Section H. Article V. Fairhope Zoning Ordinance, with the intent to “establish and provide for the logical expansion of medical office needs to accommodate the growing community and region.” Although there is no outright prohibition of medical uses outside this overlay, to fulfill the intent of the overlay, medical uses should be encouraged to locate with the overlay. This may explain why the clinic or medical uses are only allowed “on appeal” and not allowed by right, pursuant Table 3.1 – Use Table of the Article III, Section B of the Zoning Ordinance.



Mr. Smith addressed the Commission saying he disagrees with the staff's interpretation of the Comprehensive Plan. He stated the Hayek PUD was approved 1 year ago and it was 17 days prior to the Comp. Plan adoption. He explained the layout will provide buffers along US Hwy. 98 and the Auburn property, shield parking from the street, and maximize walkability and open space. Mr. Smith stated the Hayek PUD set a precedent and there needs to be defined edges for the nodes outlined in the Comp. Plan. He noted the Comp. Plan does not dictate land use and the Commission recommended the properties come together and submit a plan.

Mr. Dyess stated the staff report is based on the existing regulations, ordinances, and Comp. Plan and staff does not feel it meets the requirements.

Mr. Turner opened the public hearing.

T.J. Murphy of 204 Tensaw Avenue – He noted there are issues with the Comp. Plan but we should be able to look at a master plan to know where the City is headed. He said the City needs to be workable and not over looked.

Matt Miller of 22741 Main Street – He said even though we have a Comp. Plan, the site is an eyesore and as the entrance into the City it needs to be upgraded.

Having no one else present to speak, Mr. Turner closed the public hearing.

Mr. Smith stated the property can't be developed like a normal piece because of the location and characteristics. It is bordered by Auburn to the east and US Hwy. 98 on the west and it widens from 83' to 400'. Dr. Thayer noted the letter from Auburn and commended Mr. Smith for this very workable site plan. He suggested additional buffering and landscaping along US Hwy. 98 and adding lights at the entrance. He said he does not completely agree with staff interpretation. Mr. Turner commented he agrees with Dr. Thayer and the property is an unusual shape and currently is an unattractive site. He stated he likes the plan over all but would encourage more buffering on US Hwy. 98. Mr. Turner noted concerns with the existing structures on the site not meeting hurricane standards. Mr. Peterson noted the property can accommodate residential just as well as commercial. He explained the proximity of the City facilities would encourage high density residential. Mr. Smith stated the site could accommodate approximately 7 or 8 residential units. Dr. Thayer asked about a traffic study and if ALDOT has given approval of the curb cut. Mr. Dyess recommended the Commission be specific if additional landscaping and buffering is desired. He explained the existing requirements do not specify understory or canopy trees. Mr. Peterson stated the decision at hand is for the use of the property not the aesthetics. He said landscaping will be required regardless of the use. Mr. Smith stated ALDOT is aware of the curb cuts. Mr. Conyers stated he sees both sides of the situation but he is conflicted.

Richard Peterson made a motion to deny based on the staff recommendation. Motion failed for lack of a second.

Mrs. MacKellar asked how long the site can be dormant and Mr. Dyess responded there is no limit. He recommended adding limits. Mr. Turner asked the linear footage along US Hwy. 98 and Mr. Smith answered approximately 900'. Mr. Turner stated there could be 8 or 9 lots and as many curb cuts if developed as it is currently zoned. He said he likes the proposal. Mrs. MacKellar stated she likes the proposal and said the area needs a facelift. She noted a boutique hotel is also needed. Mr. Johnson stated he likes the plan and something needs to be done in this area.

Ralph Thayer made a motion to approve the request with an increased buffer and landscaping to include understory and canopy trees. Charles Johnson 2<sup>nd</sup> the motion.



Mr. Peterson asked if there's such a demand for this type development why is the Hayek PUD still undeveloped. Dr. Thayer responded we cannot ask if there is a need for the project but review to make sure it meets the requirements.

The motion carried with the following vote: AYE – Charles Johnson, Ralph Thayer, Lee Turner, and Hollie MacKellar. NAY – Richard Peterson. ABSTAIN – Jimmy Conyers.

**ZC 17.05 Public hearing to consider the request of S.E. Civil Engineering, LLC to rezone property from R-1 Low Density Single Family Residential District to B-1 Local Shopping District, Larry Smith.** The property is located on the northwest corner of the intersection of Edwards Avenue and US Hwy. 98 (a.k.a. Greeno Road), at 861 Edwards Avenue. Ms. Milford gave the staff report saying the property is approximately .9 acres and the proposed use is a bank. Upon the Commission finding that this application is not commercial creep and leap frog development, staff would offer a favorable recommendation. Mr. Smith addressed the Commission saying the site is contiguous with B-4 zoned property and commercial PUD across the street.

Mr. Turner opened the public hearing.

Elmer Vick of 102 Ingleside Terrace Circle – He stated access to Greeno Road from Edwards Avenue is already very difficult and this development will compound the problem. He noted B-1 allows much more than just a bank and he requested the Commission deny the request.

T.J. Murphy of 204 Tensaw Avenue – He stated this rezoning will set a precedent for the R-1 properties along Greeno Road. He said the Commission seems to be granting a lot of exceptions to the Comp. Plan. He explained the plans are not bad but they don't fit with the current Comp. Plan vision and should be denied. He said development should be driven by the community.

Mr. Dyess stated this request is different from the last case because this property is contiguous with existing commercially zoned property. He noted buffering would also be required between the incompatible uses if approved. He added the site falls under the threshold for site plan requirements and will not come back before the Commission.

Ronna Field Yeager of 105 Ingleside Terrace Circle – She stated concerns with the entrance into the property and the increased traffic on Edwards Avenue. She asked what is proposed. Mr. Turner explained the applicants have indicated a bank is to be developed but he noted there are multiple uses allowed in the B-1 zoning district.

Jerome O'Brien of 9985 Gayfer Road Extension – He stated he is representing the bank for real estate purposes. He explained there will be a 20' buffer along the east and west sides of the property. He noted the hours will be 9 to 5 Monday through Friday with an ATM and drive-thru. He stated the applicant would have requested a more stringent zoning but B-1 is the only zoning district which allows a bank. Mr. Dyess explained the property will have to meet the requirements of the Zoning Ordinance for use and buffering if the application is approved. He cited Article IV, Section B. for buffering requirements.

Having no one else present to speak, Mr. Turner closed the public hearing.

Dr. Thayer asked if there will be an ATM and noted at other locations the lighting seems to be intrusive but necessary due to safety. Mr. Dyess stated lighting is a valid concern and a 10' pole height limit with no-spill covers will help to alleviate those issues. He stated, if approved, the site plan will be reviewed to verify compliance with all current regulations. Mr. Conyers asked if there is another more restrictive zoning district which allows a bank and Mr. Dyess responded no. Mr. Peterson asked for a definition of the



Revised  
July 28, 2017

**Mr. Wayne Dyess**  
**Planning and Zoning Director**  
**City of Fairhope**  
**555 S. Section Street**  
**Fairhope, Alabama 36526**

**Re: PUD Application for Park Place on Greeno**

Dear Wayne:

Attached is the PUD application for Park Place on Greeno. The properties addresses are 806 & 812 North Greeno Road. The site is directly across from the Municipal Pool. The existing properties consist of a trailer park and residential rental property. Carrigan Properties is proposing to construct a professional office and commercial complex. The site is unique in the fact that it is triangular in nature, narrow at the southern end and widening as you head north. The idea is to create a unique walkable mixed use development having opportunities for professional, medical, residential, and commercial/retail uses.

The proposed layout will consist of one (1) full access off of Greeno Road and one (1) limited access off of Greeno Road. The site will also promote cross access by providing an access drive to the property to the north. The site will have landscape buffers along the residential properties to the north and East. The property will have the required landscaped strip along Greeno Road. The proposed site will include sidewalks, courtyards, greenspace, approximately 200 parking spaces, and multiple buildings. Below are the specifics of what we are proposing.

**PUD Approval Requirements:**

*Encourage opportunities for development innovation tailored to a particular site, that while clearly furthering the goals of the comprehensive plan, could not explicitly be established by generally applicable standards or guidelines:*

The two properties that make up this proposed PUD are currently zoned R-1 and R-4. The current uses are a single family residence and a trailer park. The property cannot be developed into a standard residential development due to depth issues. The property is bound on the East by the Auburn Extension, so there is not the ability to assemble additional property in order to create a traditional residential neighborhood. This PUD will allow the land to be developed in a manner that is tailored to this particular site. The property is triangular in nature. The southern end of the property is narrow and it widens out as you head north. By utilizing a PUD we are able to provide a mixed use development. The development will shift the majority of the parking towards the northern end of the development, allowing businesses and residences on the southern end which would not have worked due to depth constraints. The development also utilizes parallel parking on the front (Green Road Side) of the development in order to not create a "sea of parking" as your view corridor from Green Road. The majority of the parking 79% is behind the front wall of the buildings.

Looking at the comprehensive plan, the development lies between the North Village and the Greeno Road Village. Please note the comprehensive plan does not define the extents of these villages. On the Composite Analysis Map the drawing does provide a “growth crescent” where growth is most likely to occur. It then states “Of course, growth is not always dictated by maps and analysis—the private sector and property owners must make investment and market conditions must be favorable. Based on this map, the proposed PUD is on the outside edge of both the North Village and Greeno Road Village. We have based our analysis on the Greeno Road Village.

Per the Comprehensive Plan the Greeno Road Village reflects the “Fairhope Image” through controlled signage, interconnectivity, sidewalks, trails, and extensive landscaping. We are meeting the signage aspect by providing common ground mounted signage for the development. We are meeting the interconnectivity aspect by providing a connection point to the property to the north. There is not a potential for development to the East or South. We are meeting the sidewalk aspect by providing sidewalks throughout linking the development internally and through future developments along this corridor. We are meeting the extensive landscaping aspect by providing a landscape buffer along Greeno Road and providing a design that has 31% landscaping.

*Allow mixed-use development which offer a greater variety in type, design, and layout of buildings:*

The proposed PUD will be mixed use allowing residential uses mixed within the development. The development proposes to have up to 15,000 sf of residential uses which is 25% of the total buildable square footage. The PUD will allow unique setbacks which will allow the buildings to be built arranged in a manner that will offer courtyards, sidewalks between buildings, and open space to prevent the feel of a commercial strip center.

*Encourage land conservation, and more efficient use of open space:*

The PUD will allow the buildings to be arranged to create common courtyards and walkways. The central placing of the buildings will allow greater perimeter greenspace.

*Permit modification of certain controls in a manner so as to produce large area development arranged to better serve community needs:*

By allowing the PUD versus a traditional rezoning to commercial, the city will be protected in the style and look of the development along with the types of uses that are permitted.

**Surrounding Zoning:**

South: R-1

West: R-1

North: R-1

East: R-1

**Surrounding Uses:**

South: Undeveloped – Landscaping (Auburn Extension)

West: Municipal Pool

North: Residential

East: Agriculture (Auburn Extension)

**Buffers:**

The development will provide ten (10) foot landscape buffers along the residentially zoned parcels (East and North). The buffers will conform to the City of Fairhope Landscape Ordinance and include at a minimum an opaque eight (8) feet fence in height and a four foot wide strip of evergreen plantings which will grow to at least six (6) feet in height within three (3) full growing seasons on the inside of the fence.

**Landscape Strip:**

The development will provide a twenty-five (25) foot landscape strip along Greeno Road. The landscape strip will conform to the City of Fairhope Landscape Ordinance. The landscape strip will contain approximately 17 shade trees, approximately 8 understory accent trees, and approximately 1,300 shrubs. This is in addition to the 11 mature Live Oaks, and +/- 10 Crapemyrtles that are situated between the Greeno Road pavement and the edge of the right-of-way along the Park Place frontage.

**Areas**

Total acreage of property is ±5.27 acres.

Total open space (courtyards, sidewalks, landscaping): ±112,176 square feet (48.9%)

The total amount of impervious cover is as follows:

Buildings (ground floor): ±41,160 square feet (18.0%)

Paving: ±58,026 square feet (25.3%)

Sidewalks/Courtyards/Plazas: ±31,020 square feet (13.5%)

Total pervious paving: ±18,176 square feet (7.9%)

Total landscaping: ±81,156 square feet (35.3%)

**Buildings**

The total building area is 60,000 square feet (Net Usable Area). The maximum ground floor footprint of the buildings is 41,160 square feet. A maximum of three stories is allowed. Building height will be subject to the regulations at the time of building permit submittal.

**Parking**

The development will maintain a parking ratio of 1 space per 300 square feet of floor area. The total number of parking spaces is 201 spaces. Handicap parking spaces will be located around the development in accordance with ADA regulations. The development will have two (2) loading/unloading spaces with dimensions of approximately 11'x40'. The unloading spaces shall be centrally located.

**Hours of Operation:**

The hours of operation for the commercial development will be in the range of 7:00 am to 12:00 pm.

**Proposed Uses:**Office/Professional/Personal Service

General and professional offices. Various service-related businesses. Professional office of all kinds including architecture, engineering, accounting, law, real estate, financial planner, bank with up to two drive through lanes, investment manager, IT consultant, computer services, insurance, beauty salon, barber shop, etc.

Medical/Professional



Medical tenants of all kinds including doctor's offices and clinics, dentistry, optometry, dermatology, chiropractic, psychiatry, counseling, pharmacy (with up to two drive thought lanes), medical supplies, medical testing/laboratory, etc.

Retail

Ljmitted to businesses that support the office/medical/professional tenants in the development, these tenants typically will occupy spaces on the first floor. Retail use shall not exceed 25% (15,000 sf) of the total gross square footage for the entire development. The type of businesses we propose for acceptance would include the following:

- Sandwich shop or deli
- Coffee shop
- Juice/smoothie shop
- Ice cream/candy shop
- Office Supplies
- Gift Shop
- Boutique Merchandise
- General Merchandise, big box stores prohibited
- Restaurant
- No drive through food service will be allowed.
- Sidewalk cafes in patio/park areas

Residential (Mixed Use)

Residential units will be limited to the second or third floor on buildings fronting Greeno Road (US 98). All other buildings can have residences on any floor. Residential use shall not exceed 25% (15,000) of the total gross square footage for the entire development.

Other

Other potential uses would include boutique hotels and churches.

We respectfully request that the Planning Commission recommend approval to and the City Council approve the rezoning of these parcels (05-46-03-39-0-001-009.000 & 05-46-03-39-0-001-001.001) from R-1 & R-4 to PUD. We feel this project conforms to the comprehensive plan and is compatible with the Hayek PUD (ZC 15.11) approved in May of 2016 which is located north of this site.

If you have any questions, please let me know.

Sincerely,



Larry Smith, PE  
larry@secivil.pro

## LEGAL DESCRIPTION

Commence at a 2-inch iron pipe marker at the "locally accepted" Northeast corner of Grant Section 39, Township 6 South, Range 2 East, St. Stephens Meridian, and run thence South, a distance of 329.31 feet for a Point of Beginning; thence continue South, a distance of 699.45 feet to an old 1-inch open end iron pipe marker; thence run West 83.03 feet to an iron pin marker on the east margin of U.S. Highway Number 98, a/k/a Greeno Road; thence run North 23 degrees 23 minutes 12 seconds West, along said right-of-way, a distance of 182.58 feet to an iron pin marker; thence run Northwestwardly, continuing along said right-of-way, along a curve to the right, having a radius of 3738.72 feet, an arc length of 471.53 feet (chord bears North 19° 46' 27" West, 471.21 feet) to a 6-inch x 6-inch concrete right-of-way monument at alignment "a" station 122+16.02 (construction station 122+20.97); thence run North 16° 10' 21" West, continuing along said right-of-way, a distance of 92.19 feet to an iron pin marker; thence run South 89° 59' 00" East, 340.6 feet to the point of beginning. Tract contains 3.57 acres, more or less, and lies in the North 1/3 of Grant Section 39, Township 6 South, Range 2 East, Baldwin County, Alabama.

and

Lot 2, Art's Subdivision as recorded in Map Book 11, page 181 of the records in the office of the Judge of Probate, Baldwin County, Alabama.

RECEIVED  
MAY 23 2017  
BY: *EA*



Park Place on Greeno  
Planned Unit Development  
Legal Description

## Emily Boyett

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**From:** Mark Stirling <ms0001g@auburn.edu>  
**Sent:** Thursday, June 22, 2017 12:46 PM  
**To:** Emily Boyett  
**Subject:** FW: Park Place PUD, Case ZC 17.04

Emily – I received the notice of public hearing for the rezoning on Park Place PUD. Thank you for reaching out for Auburn University's input into the planned development. While we have no problem in the proposed change from the mobile home park to the proposed use, we do have some concerns about increasing the density adjacent to our operation. The zoning change should bring in a different type of neighbor rather than the current ones who occasionally toss trash onto our property. One concern would be the need for screening or fencing between the two properties. Our stations tend to be treated very similar to rural farms in that some people use them for their own off-road tracks, dog runs, garbage sites, and hiking trails. Having some type of barrier between AU property and the edge of their property would be a suggestion that we would support.

Please give me a call if we need to discuss.



auburn.edu

**Mark Stirling**

*Director of Real Estate  
President's Office*

06 Samford Hall  
Auburn, AL 36849-5113  
334-844-5874  
Fax: 334-844-7146  
Cell: 334-750-9749  
ms0001g@auburn.edu

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 1253  
KNOWN AS THE ZONING ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA as follows:

The ordinance known as the Zoning Ordinance (No. 1253), adopted 27 June 2005, together with the Zoning Map of the City of Fairhope, bc and the same hereby is changed and altered in respect to that certain property described below:

After the appropriate public notice and hearing of the Planning Commission of the City of Fairhope, Alabama has forwarded a **favorable** recommendation,

The property of Robert and Debra Green generally located 415 N. Greeno Road, Fairhope, Alabama.

**TAX PARCELS: 05-46-03-39-0-002-152.017  
05-46-03-39-0-002-152.018  
Portion of 05-46-03-39-0-002-152.010  
Portion of 05-46-03-39-0-002-152.000**

**Legal Description:** (Case number ZC 17.07)

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF BLOCK 24, OF GREEN SUBDIVISION AS RECORDED IN DEED BOOK Y PAGE 740 IN JUDGE OF PROBATES OFFICE, BALDWIN COUNTY, ALABAMA, THENCE RUN SOUTH ALONG THE WEST LINE OF SAID BLOCK 24 A DISTANCE OF 350.8 FEET TO A POINT ON THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT, THENCE RUN SOUTH 30 DEGREES 00 MINUTES ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 287.7 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF LIVE OAK AVENUE; THENCE RUN EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 71 FEET, MORE OR LESS TO A POINT; THENCE RUN NORTH 45 DEGREES 00 MINUTES EAST, A DISTANCE OF 35 FEET, MORE OR LESS TO THE WEST RIGHT-OF-WAY LINE OF GREENO ROAD; THENCE RUN NORTH, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 550 FEET, MORE OR LESS TO A POINT; THENCE RUN NORTH 45 DEGREES 00 MINUTES WEST, A DISTANCE OF 35 FEET, MORE OR LESS TO A POINT LYING ON THE SOUTH RIGHT-OF-WAY LINE OF HOYLE AVENUE; THENCE RUN WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 215 FEET, MORE OR LESS TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 2.8799, MORE OR LESS ACRES.

A map of the property to be zoned is attached as Exhibit A

**The property is hereby rezoned from R-1 Low Density Single Family Residential District to B-2 General Business District.** This property shall hereafter be lawful to construct on such property any structures permitted by Ordinance No. 1253 and to use said premises for any use permitted or building sought to be erected on said property shall be in compliance with the building laws of the City of Fairhope and that any structure shall be approved by the Building Official of the City of Fairhope and that any structure be erected only in compliance with such laws, including the requirements of Ordinance No. 1253.

Ordinance No. \_\_\_\_\_

Page -2-

**Severability Clause** - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

**Effective Date** – This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS 23RD DAY OF OCTOBER, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

ATTEST:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk







# City of Fairhope City Council

Case: ZC 17.07 Green Nurseries

**Project Name:**  
Green Nurseries

**Project Type:**  
Rezoning

**Current Zoning District:**  
R-1 Low Density Single-Family  
Residential District

**Proposed Zoning District:**  
B-2 General Business District

**PPIN Number:**  
17231, 114269, 200528, and  
202819

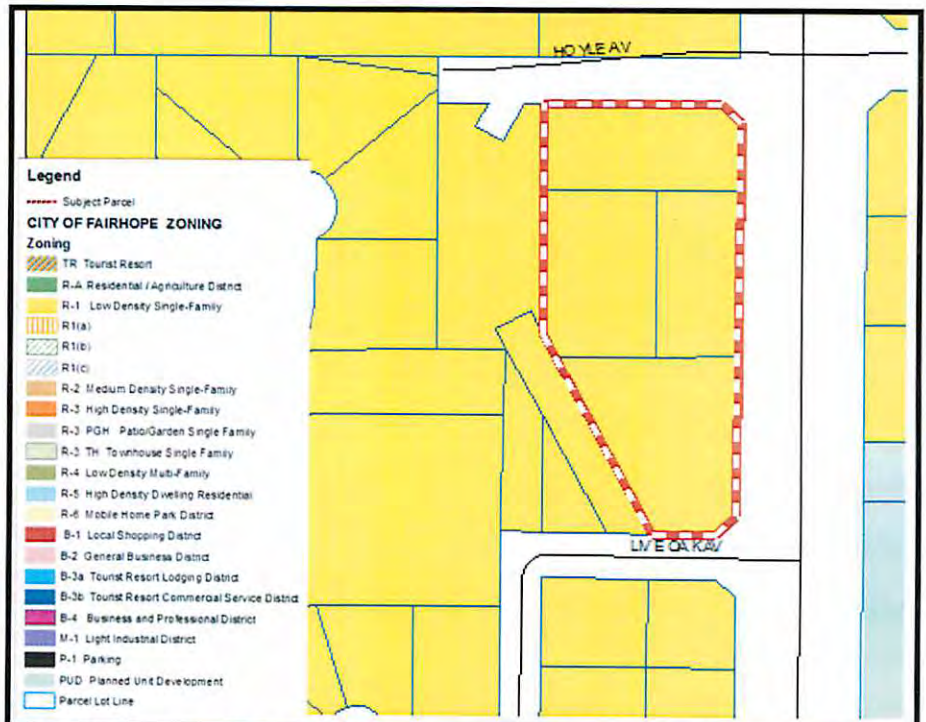
**General Location:**  
415 N. Greeno Road

**Owner:**  
Robert and Debra Green

**School District:**  
Not Applicable

**Staff Recommendation:**  
Approve as requested

**PC Recommendation:**  
Unanimous favorable  
recommendation to approve





**Summary of Request:**

Robert and Debra Green, owners of Green Nurseries, are requesting to rezone the subject property along Greeno Road, commonly known as Green Nursery, from R-1 Low Density Single-Family Residential District to B-2 General Business District. The site is currently occupied by an operating retail nursery.

The subject property is located at 415 North Greeno Road. It consists of 2.6 acres and currently has a retail nursery operation and has been a retail nursery operation historically.

Per the City Revenue Office, the subject properties have 3 business licenses issued:

1. Landscape Architecture
2. Landscape Retail
3. Misc. Retailer (this license code includes florist, gift, novelty, pet, art. Tobacco and used merchandise). This license has been issued by the City since the 1980's.







According to the Fairhope Zoning Ordinance, Article III, Section A, the purpose of the zoning district is as follows:

**B-2 General Business District: This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes. Recreational vehicle parks, very light production and processing activities are included.**

The allowable uses in the B-2 District are as follows:

<b>B-2 General Business District *</b>
<b>Permitted by Right</b>
Single Family
Two Family
Mixed Use
Elementary School
Secondary School
Education Facility
Library
Public Open Space
Common Open Space
General Office
Professional Office
Grocery
General Merchandise
Shopping Center
General Personal Services
Automobile Repair
Indoor Recreation
Boarding House or Dormitory
Restaurant
Bar
Entertainment Venue
<b>Permitted Subject to Special Conditions</b>
Townhouse
Accessory Dwelling
Home Occupation
Convenience Store
Recreational Vehicle Park
<b>Permitted Only on Appeal and Subject to Special Conditions</b>
Cemetery
Hospital
Community Center or Club
Public Utility
Automobile Service Station
Outdoor Sales Limited
Outdoor Sales Lot

Garden Center
Convalescent or Nursing Home
Clinic
Outdoor Recreation Facility
Day Care
Mortuary or Funeral Home
Dry Cleaner / Laundry
Personal Storage
Hotel / Motel
Kennel or Animal Hospital
Limited Manufacturing

***\*Any free standing single use or tenant retail building in any other business zoning district shall not have a building footprint larger than 8,000 square feet.***

**Comments:**

**Surrounding Properties**

Directly south of the subject property and across Live Oak Street, fronting Greeno Road, is the Linwood Subdivision, platted in 1958. The Linwood Subdivision is zoned R-1 Low Density Single-Family Residential District and consists of 10 lots, 133’x118’ in size, with 5 lots fronting Greeno Road and 5 lots fronting Maple Avenue. Of the 5 lots, fronting Greeno Road, 3 lots are vacant and 2 lots are occupied with residential structures. Of the 5 lots, fronting Maple Avenue, 4 lots are vacant and 1 lot is occupied with a residential structure.

South and east of the subject property is the Arbor Gates apartment community which was approved as a PUD. Directly east of the subject property, across Greeno Road are 3 lots zoned R-1 Low Density Single-Family Residential District. These lots are approximately 24,000 square feet each with 2 of 3 of the lots containing single residences of 1,680 square feet, built in 1945 (520 North Greeno Road - homesteaded) and single residences of 1,560 square feet, built in 1955 (546 North Greeno Road - not homesteaded) according to the Baldwin County Revenue Commission records.

Directly north of the subject property is approximately 16 acres of undeveloped property zoned R-1 Low Density Single-Family Residential District, fronting Greeno Road, owned by Seaman Capital, LLC, currently for sale.

Directly west of the subject property is the Deep Tree Forest 4th edition subdivision plat recorded in 1977 and Deep Tree Forest 3<sup>rd</sup> edition subdivision plat recorded in 1971. These lot sizes range from approximately 15,000 – 20,000 square feet and are zoned R-1 Low Density Single Family Residential District.

**Zoning History**

It appears that the subject property has been zoned single family residential since at least 1961, based on a 1961 City of Fairhope Zoning Map.

In 2002, the Greeno Road Professional Village PUD (Dyas PUD ZC 02.01) was approved. The property is located on the east side of Greeno Road, south of Gayfer Road extension. It was rezoned from R-1 Low Density Single Family Residential, R-3 High Density Single Family Residential and R-4 Multi-family to



Planned Unit Development (PUD). The PUD contains a series of lots fronting Greeno Road. The permitted uses shall be business and professional offices.

In 2007, the Greeno-Gayfer Medical Park PUD (ZC 06.18) was approved. The property is located on the west side of Greeno Road at the corner of Gayfer Avenue and Greeno Road. It was rezoned from R-1 Low Density Single Family Residential to PUD. The PUD contains 2 - 2 story buildings for a combined gross floor area of 48,900 square feet. The permitted uses are medical facilities and related uses.

In 1993, the Arbor Gates Apartments was approved as a PUD.

In 2016, Case No. ZC 15.11 was a request of Fred Hayek to rezone property from R-1 Low Density Single Family Residential District to PUD (Planned Unit Development) consisting of 4, 2-story buildings for office/professional, retail, medical and food service uses. The property is located on the east side of Greeno Road across from Hancock Road, at 848 N. Greeno Road (Parcel #: 05-46-03-08-0-003-062.000). The Planning Commission recommended approval of the PUD at their November 2, 2015 meeting. The Fairhope City Council approved the PUD on May 27, 2016.

In July of 2017, the Park Place PUD requested to rezone their property from R-1 Low Density Single-Family and R-4 Low Density Multi-family to Planned Unit Development (PUD). The property is located on the east side of Greeno Road across from the City Recreation Center/Volanta Park. The PUD consists of 11 buildings of 2 and 3 stories totaling 60,000 sq.ft. for office, retail, medical and residential mixed use component. The residential mixed use will be located on the 2nd and 3rd floors and will comprise 15,000 sq.ft. and an estimate of approximately 7 residential units (15,000 sq.ft. / 2,000 sq.ft. estimated average of a residential unit sq.ft.) or 25% of the total building area. The Planning Commission recommended approval of the PUD request, the case will be scheduled to be heard by the City Council.

### Non-conforming

The subject Green Nursery property is currently non-conforming and is subject to Article VII of the Fairhope Zoning Ordinance. Essentially what non-conforming means is that the current use of the property fails to conform to current zoning which it is in. Therefore, the subject property's use cannot be enlarged or extended and no additional structures can be added. In this case, the subject property is occupied with a retail nursery, landscape architect office, and miscellaneous retail. The current zoning of the subject property is R-1 Low Density Single-Family Residential District, which only allows single family homes. No commercial or retail uses are allowed. Clearly, the current use is non-consistent with current zoning. Records indicate that subject property has been nonconforming since at least 1960 according to historical Planning and Zoning Commission minutes.

### Comprehensive Plan

The City of Fairhope Comprehensive, Development Framework, provides the following guidance for commercial development along Greeno Road:

*"Evaluate proposed development with careful consideration to the long term vitality of downtown and the other existing and potential villages<sup>1</sup>."*

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<sup>1</sup> City of Fairhope Comprehensive Plan, Page 20

*“Define the commercial growth of Greeno Rd. with edges, thus, ensuring an appropriate ending point<sup>2</sup>.”*

The Comprehensive Plan calls for a Greeno Road Village Center at the intersection of Greeno Road and Fairhope Avenue. The Comprehensive Plan acknowledged the long and controversial debate regarding the commercialization of Greeno Road<sup>3</sup>. The Comprehensive Plan says the following: “The people of Fairhope spoke loudly and clearly that it is the community’s overwhelming desire to limit the north and south “commercial creep”, thereby creating edges to the more automobile-oriented nature of the Greeno Road<sup>4</sup>. It also calls for “Edges - Greeno Road commercialization must have a clear edge--where it stops and where it begins<sup>5</sup>”.

The current Plan clarified the location of the two existing villages on Greeno Road that affect the subject property. The “North Village”, which is the site of the Fairhope Publix shopping center, is located north of the subject property and the “Greeno Road Village” located at intersection of Greeno Road and Fairhope Avenue, as depicted in Figure 1. City of Fairhope Preferred Plan Concept - Excerpt. Villages are contemplated to have between 30,000 to 180,000 sq.ft. of commercial area at each location.

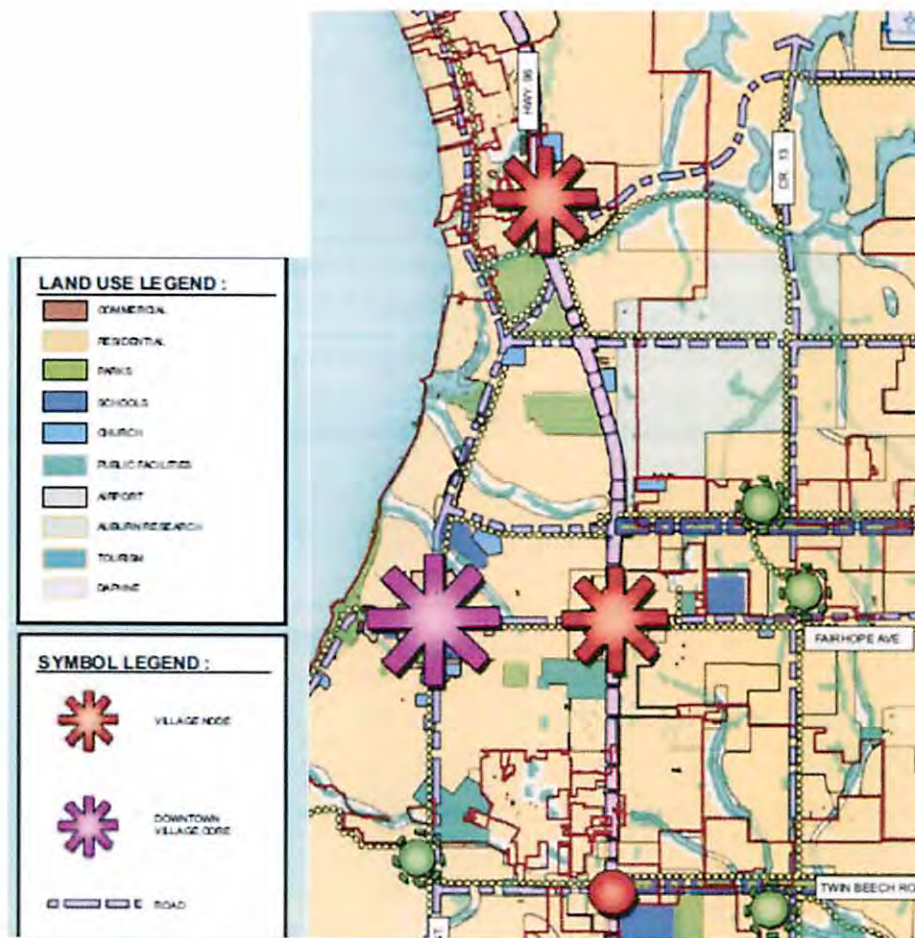


Figure 1. City of Fairhope Preferred Plan Concept – Excerpt

<sup>2</sup> City of Fairhope Comprehensive Plan, Page 20

<sup>3</sup> City of Fairhope Comprehensive Plan, Page 36

<sup>4</sup> City of Fairhope Comprehensive Plan, Page 36

<sup>5</sup> City of Fairhope Comprehensive Plan, Page 36



Specific to Greeno Road/U.S. 98 corridor, the Comprehensive Plan calls to “limit the north and south commercial creep<sup>6</sup>” along Greeno Road and to create edges along Greeno to indicate “where it (commercial) stops and where it begins<sup>7</sup>”. The Zoning Ordinance goes so far to identify the Greeno Road Village Center and impose limits on the size of free standing “single use or tenant retail building<sup>8</sup>” along Greeno Road.

Further, under the 2016 Plan, the Development Framework, provides the following objective: “Guide commercial and high density growth to locations that can be efficiently and effectively served with utilities and public services such as police, fire, and public works.” A strategy under this objective calls for the City to “Define the commercial growth of Greeno Rd. with edges, thus, ensuring an appropriate ending point<sup>9</sup>”. The Greeno Road Village and North Village fulfills this goal by creating definable locations to accommodate commercial growth rather than creating an unplanned strip commercial corridor.

The Plan contains permissible language for commercial development along Greeno Road per the following: “Only approve commercial growth that is contiguous to existing commercial activity, thereby eliminating leap frog commercial development<sup>10</sup>.”

Approximately 600’ separates the subject property from the Greeno-Gayfer Medical Park PUD (ZC 06.18) on the south side of the subject property, the Arbor Gates PUD is contiguous to the subject property on the east side. In reviewing the historical development of the Linwood Subdivision, the age of the existing 2 homes located on Greeno Road, its apparent that single family residences are not desirable at this location. Additionally, the Greeno Road Professional Village PUD is located south Gayfer Road Extension.

Historically, commercial development along Greeno Road has been difficult and controversial. Concerns have been expressed through the years about Greeno Road development jeopardizing the viability of the downtown commercial district area. This concern has also been expressed in the City of Fairhope Comprehensive Plan update of 2015/16 through the Development Framework statements.

Although this may have been a valid concern many years ago, downtown Fairhope today is a vibrant shopping and entertainment experience, pedestrian and bike oriented, filled with cafes, restaurants and shops. Downtown is the center for community activity and cultural and civic events, which distinguishes it from other commercial/village center areas of the City. In many regards, this strategy worked. However, the significant change in population and visitors over the years has created larger proportionate demands for commercial goods and services in Fairhope.

Strip commercial development was also viewed as a threat to the aesthetics and viability of Greeno Road and neighboring properties and the fear that Fairhope would lose its unique identity. This has again been reflected in the City of Fairhope Comprehensive Plan with statements calling for clear edges and defining the perimeters of commercial development along Greeno Road.

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<sup>6</sup> City of Fairhope Comprehensive Plan, page 36

<sup>7</sup> City of Fairhope Comprehensive Plan, page 36

<sup>8</sup> City of Fairhope Zoning Ordinance, Article III, Section C.4., page 22

<sup>9</sup> City of Fairhope Comprehensive Plan, Page 20

<sup>10</sup> City of Fairhope Comprehensive Plan, Page 46, Goals and Tasks

However, it should be noted that the City has adopted measures to protect against the strip commercial development that many fear. For example, the Fairhope Zoning Ordinance, Article III, Section C. 4. Free-standing Commercial Structures states the following:

***a. Any freestanding single use or tenant retail building in the Greeno Road Village Center as contemplated in the Comprehensive Plan shall not have a building footprint larger than 18,000 square feet.***

***b. Any free standing single use or tenant retail building in any other business zoning district shall not have a building footprint larger than 8,000 square feet.***

This section of the Zoning Ordinance creates a hierarchy of commercial uses and sizes of those uses by establishing that the Village Center (in this area, the Greeno Road Village Center) is the dominant commercial area allowing up to 18,000 square feet of free standing non-contiguous building footprint and all other commercial areas are subordinate at 8,000 square feet of free standing non-contiguous building footprint. This subordinate role of non-village district commercial uses is validated further by dimensional and use tables of the village districts<sup>11</sup>.

In addition, Ordinance No. 1444 (Tree Ordinance) requires a front perimeter 10' landscape strip adjacent to the right-of-way<sup>12</sup>, at least 1 over story tree within the 30' setback per each 30 linear feet of frontage<sup>13</sup>.

Although there are more enhancements that could be made regarding curbing strip development, these measures combined have an impact and do provide safeguards against strip commercial development.

### Traffic Data

According to the Alabama Department of Transportation, the 2015 annual average daily traffic (AADT) data for Greeno Road, very near the subject property is 23,610 trips per day on the section of Greeno Road north of Gayfer Avenue and south of Hoyle Avenue. As a frame of reference, the AADT for the commercial corridor in Daphne, slightly south of I-10 is 35,920 trips<sup>14</sup>.

### Compatibility

The term "compatibility" is commonly defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. In reviewing the subject properties in terms of compatibility with the adjacent properties, several issues are evident.

The subject properties contain a gully to the rear (west side) of the property represented with a drainage easement. This gully serves as a natural physical barrier and buffer to the residential properties to the west. This gully is shown on the map in Figure 2. below through the topographic changes near Lillian Circle. In addition, a 20' landscape buffer is required by the Zoning Ordinance to

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<sup>11</sup> City of Fairhope Zoning Ordinance, Article VI. Section B. table 5-2

<sup>12</sup> Tree Ordinance No. 1044, Section 20.5-4

<sup>13</sup> Tree Ordinance No. 1044, Section 20.5-5

<sup>14</sup> <https://aldotgis.dot.state.al.us/atd/default.aspx>



minimize impact between uses<sup>15</sup>. It is staff's opinion that the natural topographic features and the required buffers provides necessary measures to protect against potential negative impacts. However, this use has been in existence for many years, likely before the neighboring properties were developed and homes constructed.

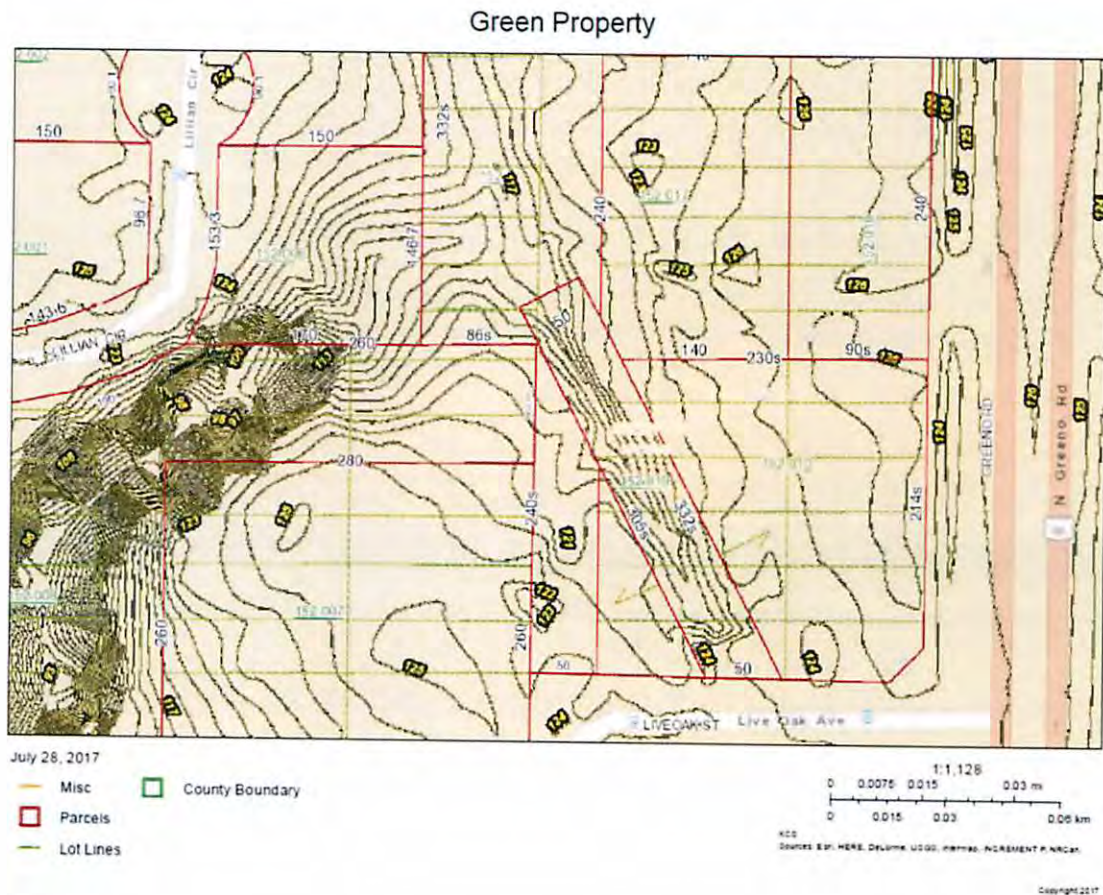


Figure 2.

The Linwood Subdivision south of the subject property is zoned residential. However, only 3 out of 10 lots have been developed since 1958, with 2 homes fronting Greeno Road built in the early 1960's. This subdivision separates the subject property from the PUD at the intersection of Greeno Road and Gayfer Avenue.

### Commercial Creep

The Comprehensive Plan uses the term "commercial creep"<sup>16</sup> and the need to establish clear edges of commercial development. This is an important and valid land use planning concept that must be addressed. However, it is clear from data on residential construction along Greeno Road, that single family residences are not desirable or marketable.

The Comprehensive Plan does not necessarily define the boundary or limits of commercial development along Greeno Road. However, it is staff's opinion that logical boundaries should be

<sup>15</sup> City of Fairhope Zoning Ordinance, Article IV Section B, 2 (a)

<sup>16</sup> City of Fairhope Comprehensive Plan, page 36

discussed and addressed at some point so that they can be effectively communicated to the public. In this case, a natural boundary already exists on the east of Greeno Road, north of Dyer Road, through the Auburn University Gulf Coast Research and Extension Center. This area is exclusively agriculture/open space which is not developed and not likely to be developed. On the west side of Greeno Road, north of Volanta Avenue, is the City of Fairhope Volanta Park property and the “triangle property”. These two land use features establish a “gateway” into Fairhope and therefore naturally limits “commercial creep” and establishes a clear edge of commercial development. The subject property would not be beyond this “gateway”.

**Staff Recommendation:**

Based on the comments herein, staff recommends case: ZC 17.07 Green Nurseries be approved.

**Planning Commission Recommendation:**

On August 7, 2017, the Planning Commission voted unanimously to approve the request and forward a **favorable** recommendation to the City Council to rezone the subject property from R-1 Low Density Single Family Residential District to B-2 General Business District.



The Planning Commission met Monday, August 7, 2017 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; Art Dyas; Charles Johnson; Richard Peterson; Rebecca Bryant; Ralph Thayer; Hollie MacKellar; and David Martin; Wayne Dyess, Planning Director; Nancy Milford, Planner; Buford King, Planner; Emily Boyett, Secretary; and Ken Watson, City Attorney  
Absent: Jimmy Conyers

Chairman Turner called the meeting to order at 5:05 PM and announced the meeting is being recorded. He welcomed Art Dyas to the Commission.

The minutes of the July 3, 2017 meeting were considered and Ralph Thayer moved to accept the minutes as written and was 2<sup>nd</sup> by Charles Johnson. The motion carried with abstentions by Art Dyas, Rebecca Bryant, and David Martin.

**ZC 17.07 Public hearing to consider the request of Bobby and Debra Green to rezone property from R-1 Low Density Single Family Residential District to B-2 General Business District.** The property is located on the west side of US Hwy. 98 (a.k.a. Greeno Road) between Hoyle Avenue and Live Oak Avenue, at 415 N. Greeno Road. Mr. Dyess gave the staff report saying the site consists of 2.6 acres and is currently occupied by an operating retail nursery and has been a retail nursery operation historically. The property is currently non-conforming and has been non-consistent with the current zoning since at least 1960 according to historical Planning Commission minutes. Mr. Dyess stated there are concerns with Greeno Road becoming stripped out and hurting Downtown if the area is zoned commercial. He said Fairhope's population can support additional commercial and not hurt Downtown. Mr. Dyess explained there are existing edges to limit the commercial boundaries with Volanta Park to the north, Auburn Experimental Station to the East, and the gully to the west. He noted no new single family homes have been constructed on Greeno Road since the 60's. Staff recommendation is to approve the zoning change request.

Mr. Green addressed the Commission and gave Power Point presentation of the history of the subject property. He stated his family has owned the property since 1932 and the nursery has been in operation on the site since 1940. He explained they propose to have a micro village and to grow organically.

Mrs. Green explained they are asking for B-2 zoning based on historical documents and use. She noted the nursery has always had business licenses with the City and the only thing that has not been commercial has been the zoning.

Mr. Turner opened the public hearing.

Taylor Wilkins, III of 330 Bay Hill Drive – He stated he recently purchased an adjacent lot to the Green's property and he does not have any problems with their proposal. He said Greeno Road has seen a lot of changes and it is not residential anymore. He suggested a plan be put in place for the Greeno Road corridor to guide the development and allow the property owners to do something with their property.

Larry Stejskal of 60 N. Ingleside Street – He thanked staff and the Commission for starting to acknowledge that Greeno Road is not suitable for residential. He stated the market is driving the changes on Greeno Road and he said he is in favor of the application.



Lawanna Maidstone of 512 Lillian Circle – She stated concerns with drainage and asked what guarantees she has that it will not be an issue. She said this rezoning will set a precedent.

Bill and Susan Rosburg of 508 Lillian Circle – She stated she liked the presentation but asked how the gulley will be protected. He said he liked the plan but he had concerns with traffic and the plans for the residential area.

Mac Walcott of 12330 Live Oak Street – He stated his project, Van Antwerp, is at the end of this watershed. He encouraged property owners to partner with one another to help the issues facing the City.

TJ Murphy of 204 Tensaw Avenue – He stated he would like to see details of an overlay for Greeno Road. He said the area needs boundaries and a plan and not done piece-meal. He suggested taking what the Greens are proposing and continuing it along Greeno Road. He said this will set a precedent and the City needs the Comprehensive Plan to guide it.

Claude Puckett of 406 Maple Street – He said he remembers when the Greens were against rezoning Greeno Road. He stated the property will become worthless if something is not done. He said Comp. Plans cost money and there aren't any cities that go by them. He stated he is in favor of the request.

Having no one else present to speak, Mr. Turner closed the public hearing.

Mr. Dyess stated the buffer requirements are 20' of landscaping and the drainage will be addressed at the time of site plan or building permit. He explained Alabama

Comprehensive Plans are not legal documents but they give good guidance. Mr. Dyas stated the proposed area to be rezoned is only 2.8 acres. He asked if the remaining property will remain residential and if the buffer will be maintained. Mr. Green explained too much water drains to the little ravine but the water flows across their property not from it. He stated there will remain 112' of buffer between the commercial use and the residential area. He said they will be upgrading the existing structures and emphasizing retail again but it will not be all at once. Mrs. Bryant asked the difference between incremental development versus a PUD. Mr. Dyess explained with incremental development each project is reviewed against the Zoning Ordinance by either Administrative Review or Site Plan and a PUD would be review all at once. Mrs. MacKellar asked if there is a time frame the applicant has to get started and Mr. Dyess responded no.

Richard Peterson made a motion to accept the staff recommendation to approve the zoning change request. David Martin 2<sup>nd</sup> the motion and the motion carried unanimously.

**ZC 17.08 Public hearing to consider the request of Sawgrass Consulting, LLC to rezone property from R-2 Medium Density Single Family Residential District to B-4 Business and Professional District, Quinn Middleton.** The property is located on the northeast corner of the intersection of State Hwy. 181 and Windmill Road, at 20040 State Hwy. 181. Mr. Dyess gave the staff report saying the property is approximately 1.31 acres and the applicant is proposing an office. Staff recommendation is favorable if the Planning Commission finds the application is not commercial creep and leap frog development.

Mr. Turner opened the public hearing.

Mac Walcott of 12330 Live Oak Street – He stated State Hwy. 181 is the next train wreck and the City needs to learn from Greeno Road. Mr. Dyess stated he would apply the





**APPLICATION FOR ZONING DISTRICT CHANGE**

**Property Owner / Leaseholder Information** 583-0471  
 Name: GREEN, Robert M & Debra Phone Number: 928-8469 583-8473  
 Street Address: 415 N. GREENO ROAD  
 City: FAIRHOPE State: AL Zip: 36532

**Applicant / Agent Information**  
 Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Current Zoning of Property: R-1  
 Proposed Zoning/Use of the Property: B 2  
 Property Address: 415 N. GREENO ROAD FAIRHOPE AL 36532  
 Parcel Number: SEE ATTACHED  
 Property Legal Description: SEE ATTACHED  
 Reason for Zoning Change: HISTORICAL NATURE & CITY SANCTIONED EXPANSION OF BUSINESS

- Property Map Attached -YES NO
- Metes and Bounds Description Attached -YES NO
- Names and Address of all Real Property Owners within 300 Feet of Above Described Property Attached. ✓YES NO

Character of Improvements to the Property and Approximate Construction Date: TO BE DETERMINED

Zoning Fee Calculation:

I certify that I am the property owner/leaseholder of the above described property and hereby submit this application to the City for review. \*If property is owned by Fairhope Single Tax Corp. an authorized Single Tax representative shall sign this application.

ROBERT M. GREEN / DEBRA GREEN  
 Property Owner/Leaseholder Printed Name

[Signature] Debra Green  
 Signature

6-25-17  
 Date

\_\_\_\_\_  
 Fairhope Single Tax Corp. (If Applicable)

## GREEN NURSERIES REZONING NARRATIVE

Green Nurseries and Landscape Design has operated without interruption in the City of Fairhope since 1932. At the time of its formation by Robert Green, Sr., the City did not have a zoning ordinance, and would not enact such an ordinance until 1961<sup>1</sup>, some 29 years after the nursery went into operation. At all times since Fairhope has operated under a zoning ordinance, Green Nurseries has been classified as a non-conforming use under one or more residential zoning classifications. The property is presently zoned either R-1 or R-2<sup>2</sup>.

The City's refusal to place the nursery property into a commercial zoning category has been a long and contentious affair. Shortly after the initial zoning ordinance was adopted, approximately 15 properties within the City were rezoned to a commercial zoning classification at the request of the property owners. However, Green Nurseries was not offered this same opportunity, and its efforts to achieve a commercial zoning classification have been rebuffed on each and every occasion over the last 50 plus years when rezoning was requested by the Green family.

Beginning in 1961 and continuing through 1978, Robert Green, Sr. submitted eight separate rezoning applications to the City, together with one application for a variance in 1963. All applications were denied. Meanwhile, Fairhope officials periodically and systematically approved rezoning requests from residential to commercial classifications along Greeno Road both north and south of the nursery property. Some of these rezonings were approved for persons who were either

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<sup>1</sup>The historical records reviewed by the Greens and their counsel do not identify the date of Fairhope's initial zoning ordinance. However, Robert Green, Sr. appeared before the Fairhope Planning and Zoning Board on January 6, 1961 seeking advice about rezoning to a commercial classification (Slide 5). For purposes of this narrative, it will be assumed that Fairhope's first zoning ordinance was adopted as early as 1961.

<sup>2</sup>Current zoning maps show the nursery property to be zoned R-1, but older zoning maps depict the property as being zoned R-2.

elected officials of the City Fairhope, or their spouses. During the intervening 56 years after the adoption of the City's first zoning ordinance, Greeno Road has become a five-lane commercial thoroughfare with the exception of the residential enclave between Gayfer Avenue and Highway 104 where the nursery property is located. The last single-family residence constructed on Greeno Road was built in the mid-1960's in Linwood Subdivision (Slide 3). This home is located directly south of Green Nurseries, and has been operated as a short-term rental for approximately 20 years. Commercial uses between Gayfer Avenue and Highway 104 include Fairhope's "Big Box" recreational complex (which sells amenities to the public), Arbor Gates Apartments, Fairhope Trailer Park, Auburn University Extension Center, a church and Green Nurseries.

In the October 5, 1978 edition of the Fairhope Courier (Slide 46), a developer seeking a rezoning along Greeno Road was quoted as follows on the subject of highest and best use along Greeno Road:

On Greeno Road, you can't sell a house for what it's worth anymore, because no one wants to live on that busy road. In the earlier years, the area was residential in nature, but the highest and best use is not residential now.

Today, 39 years after the author of the above quote opined about highest and best use along Greeno Road, the Green property is an island of residential zoning surrounded by a sea of commercial zoning and land use.

#### Summary of Rezoning Attempts

Robert Green, Sr. was a persistent man. Between 1961 and 1978, Mr. Green submitted eight rezoning applications and one variance request, all of which were denied. A



summary of these rezoning and variance requests, the date of the attempt and the corresponding slide number of the attached Power Point presentation is as follows:

1961	Rezoning Request	Slide 5
1963	Rezoning Request	Slide 10
1963	Rezoning Request	Slide 12
1963	Variance Request	Slide 14
1964	Rezoning Request	Slides 19-20
1968	Rezoning Request	Slides 34-35
1973	Rezoning Request	Slide 37
1975	Rezoning Request	Slides 42-43
1978	Rezoning Request	Slides 47-49

The Fairhope City Council denied each of the above requests despite the continued commercialization of the Greeno Road corridor, and the absence of new residential construction during the years in question.

#### Permitted Expansions of Green Nurseries

As a commercial business which predates Fairhope's first zoning ordinance by approximately 30 years, state law permits Green Nurseries to continue with its commercial operation, provided that the property owner does not "increase the nonconformity" which was in effect at the time the zoning ordinance first became effective. Since that time, and with one notable exception, Fairhope's different iterations of its zoning regulations have included a nonconforming use provision.

Nonetheless, in true Fairhopian tradition, the City has deviated from its own regulations and permitted Green Nurseries, on ten separate occasions, to expand its business in direct violation of its nonconforming use regulations. These expansions are summarized as follows:

1960	Greenhouse and Shade Structure
1975	Greenhouse (permitted after the fact)
1979	Office and Prefab storage building (building permit issued)

1980	Greenhouse (building permit issued)
1982	Greenhouse (building permit issued)
1985	Office Building (building permit issued)
1989	Shade house (building permit issued)
1994	Utility Building with water, gas and electrical upgrades and relocations (building permit issued)
1995	Front Entrance and Wall (building permit issued)
2016	Multi-use Structure (building permit issued).

At all times since the 1970's (and possibly earlier), Fairhope has issued business licenses to Green Nurseries under the "retail and general merchandise" classification. Robert Green, Jr. and his wife Debra, who are the present owners of the nursery, have business licenses issued by the State of Alabama dating back to the 1930's and physical business licenses back to the 1970's. The net effect of these permitted expansions has been to treat Green Nurseries as if it were under a commercial zoning classification, with the attendant right to expand the business as any commercial enterprise would be permitted to do under a B-2 classification. Nonetheless, the City Council has refused to rezone the nursery property despite ample opportunities to do so.

#### The Jim Nix Threat

Throughout most of the 1980's, Greeno Road was a two-lane thoroughfare. Then-Fairhope Mayor Jim Nix pleaded with the state of Alabama for the better part of a decade for Greeno to be widened to four lanes. This is a curious position for the Mayor to have taken, because the City consistently expressed its desire that the road maintain its "pastoral" setting, with all adjacent properties to continue with their residential zoning classifications. During this period, Robert Green, Jr. sought access to some City records, but his request was denied. Mayor Nix and Tim Kant (who was then Public Works Director) paid a visit on Mr. Green and threatened to put him "out of business" if he continued to seek the records which he had requested.

## The ALDOT Fiasco

The most recent squabble in the long history between Green Nurseries and the City took place in 2007-2008 when Fairhope applied for a grant to construct a “Pedestrian Improvement Project” for Greeno Road. What began as a seemingly simple pedestrian improvement project morphed into a proposed median in the center of Greeno Road from Edwards Avenue to Highway 104. Early designs by Volkert Engineering depicted a planted median, without a median cut, extending the entire length of the nursery’s Greeno Road frontage. If constructed, the median would have blocked commercial access to the nursery from the northbound lane and would have required large trucks to deliver and receive product from a different location, rather than from the nursery’s regular shipping and receiving area.

The Greens immediately submitted their concerns to the Mayor and Council. On April 30, 2007, the City held a “Public Involvement Meeting” to discuss the proposed improvements. Not to miss out on the opportunity for “public involvement”, the Greens delivered written comments (Slide 62) to the City, which the City officials somehow “lost”, and never submitted to ALDOT. On July 14, 2008, the Greens delivered a lengthy letter (Slide 63) to the Mayor and Council outlining their concerns with considerable detail. Mayor Kant rebuffed these concerns by stating that “some folks have to be sacrificed for the greater good”. Why Mayor Kant felt that the Greens needed to be “sacrificed” is unclear, but it became obvious to the Greens that they must take their concerns directly to ALDOT for a resolution.

Unlike Fairhope, ALDOT recognized the impact of the median project on Green Nurseries if its northbound access were to be eliminated. D. J. McInnes, who was then the ALDOT director, delivered a letter (Slide 65) to the Mayor and Council on August 25, 2008 admonishing

them to resolve the “impasse” with the Greens. This effort worked, and allowed the Greens to retain their access to Greeno Road. The City was also forced to create an additional access at the north end of the nursery, costing the City a minimum of \$46,000.00. This resolution saved significant municipal funds in defense of the litigation which would have certainly ensued.

### Conclusion

Green Nurseries should never have been placed in a residential zoning classification. Whatever justification may have existed in 1961 is no longer present, as the nursery property occupies a residential enclave along US Highway 98 which is commercial in character all the way from Spanish Fort to County Road 44. This is underscored by the fact that the last single-family residence in the Fairhope sector of Greeno Road was built in the mid-1960's. The opinion voiced to the City Council about highest and best use in 1978 was true then and remains even more true today. The Green Nurseries property should be rezoned to a General Business (B-2) classification consistent with its historical use and the commercial nature of the immediately surrounding area.



August 7, 2017

Fairhope Planning Commission  
PO Box 429  
Fairhope, AL 36533

Re: Case ZC 17.07, PPIN# 17231, 114269, 200528, 202819

Commission Members,

We are writing to express concern about the rezoning request for the property on the west side of US Hwy 98 between Hoyle Avenue and Live Oak Avenue at 415 N Greeno Road. We are concerned this rezoning will set a precedent for the remaining R-1 districts on the west side of North Greeno. The B-2 designation is not restrictive enough for this location.

A few months ago, the property owners presented a rough plan for this property at a Planning Commission meeting. They said they want to add elements to their existing business in a way that meshes with the adjacent residential neighborhood and respects the natural environment. We are not opposed to this idea, given their unique situation and history. The property size is slightly under the required minimum size for a PUD. There is a state-owned easement adjacent to the property. It was suggested that the Greens apply for an exception on the PUD minimum lot size due to the easement. Has this option been pursued?

People who live on or near Greeno will be impacted by new development on Greeno. Every time residential is rezoned to commercial, it's harder to deny the next request. We've heard encouraging ideas about updated ordinances, Comprehensive Plan improvements, and a better development process overall. Will any of these changes happen before we lose North Greeno completely to commercial development?

Thank you for your time and consideration of these comments.

Sincerely,

Jay and Anna Miller  
257 Westley Street  
Fairhope, AL 36532



**RESOLUTION NO. \_\_\_\_\_**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA,** That the City Council approves the selection of TischlerBise, Inc. to perform Professional Financial Consulting Services to Study Update of Impact Fees for the City of Fairhope (RFQ No. PS001-18), and hereby authorizes Mayor Karin Wilson to establish a fee schedule; and to execute the associated contract with a not-to-exceed limit of \$68,000.00.

DULY ADOPTED THIS 23RD DAY OF OCTOBER, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk





# Proposal for Impact Fee Study Update

City of Fairhope, AL

September 20, 2017





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## Letter of Interest

September 20, 2017

The Honorable Karin Wilson, Mayor  
City of Fairhope  
161 North Section Street  
Fairhope, AL 36532

### RE: Proposal for Impact Fee Study Update

Mayor Wilson,

TischlerBise is pleased to submit the enclosed proposal to update the City's Impact Fee Study. We feel that TischlerBise is ideally suited to undertake this project based on our extensive national and Baldwin County impact fee experience. There are several points we would like to note that make our qualifications unique:

1. **Depth of Experience.** TischlerBise is the nation's leading impact fee and infrastructure financing consulting firm. Our qualified professionals bring an unparalleled depth of experience to this assignment. **We have managed over 900 impact fee studies across the country – more than any other firm.** We are innovators in the field, pioneering approaches for credits, impact fees by size of housing unit, and distance-related/tiered impact fees. More importantly, a TischlerBise impact fee methodology has never been challenged in a court of law.
2. **Technical Knowledge of Land Use Planning and Local Government Finance.** The City requires consulting expertise in the areas of land use planning and growth management in the State of Alabama, as well as in local government finance. **Many communities overlook the fact that impact fees are a land use regulation.** The TischlerBise team will apply years of impact fee experience within the context of overall City financial needs, land use, and economic development policies. This will lead to a work product that is both defensible and that promotes equity.
3. **Baldwin County Experience.** TischlerBise has conducted numerous impact fee studies in Baldwin County, including Gulf Shores, Orange Beach, Daphne, Fairhope, Foley, as well as Baldwin County.
4. **Responsiveness.** As a small firm, we have the flexibility and responsiveness to meet all deadlines of the City's project.

Sincerely,



L. Carson Bise II, AICP, President  
4701 Sangamore Road, Suite S240  
Bethesda, MD 20816  
Phone: 800-424-4318 Ext. 12  
E-mail: [carson@tischlerbise.com](mailto:carson@tischlerbise.com)





# Project Understanding and Approach

## Project Understanding

It's been a number of years since TischlerBise prepared the City's impact fee study, and much has happened during this time frame, including fallout from the Great Recession and changing trends in the retail sector of the economy. There have also been significant national demographics changes, shifting market preferences for walkable urbanism, and the importance of place making.

## Project Approach

Impact fees are fairly simple in concept, but complex in delivery. Generally, the jurisdiction imposing the fee must: (1) identify the purpose of the fee, (2) identify the use to which the fee is to be put, (3) show a reasonable relationship between the fee's use and the type of development project, (4) show a reasonable relationship between the facility to be constructed and the type of development, and (5) account for and spend the fees collected only for the purpose(s) used in calculating the fee.

Reduced to its simplest terms, the process of calculating impact fees involves the following two steps:

1. Determine the cost of development-related improvements, and
2. Allocate those costs equitably to various types of development.

There is, however, a fair degree of latitude granted in constructing the actual fees, as long as the outcome is "proportionate and equitable." Fee construction is both an art and a science, and it is in this convergence that TischlerBise excels in delivering products to clients.

Any one of several legitimate methods may be used to calculate impact fees for the City. Each method has advantages and disadvantages given a particular situation, and to some extent they are interchangeable because they all allocate facility costs in proportion to the needs created by development.

In practice, the calculation of impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for capital facilities. The following paragraphs discuss the three basic methods for calculating impact fees and how those methods can be applied.

**Plan-Based Fee Calculation** - The plan-based method allocates costs for a specified set of future improvements to a specified amount of development. The improvements are identified by a CIP. In this method, the total cost of relevant facilities is divided by total demand to calculate a cost per unit of demand. The plan-based method is often the most advantageous approach for facilities that require engineering studies, such as roads and utilities.

**Cost Recovery Fee Calculation** - The rationale for the cost recovery approach is that new development is paying for its share of the useful life and remaining capacity of facilities from which new growth will benefit. To calculate an impact fee using the cost recovery approach, facility cost is divided by the ultimate number of demand units the facility will serve. An oversized arterial roadway is an example.

**Incremental Fee Calculation** - The incremental expansion method documents the current level-of-service (LOS) for each type of public facility in both quantitative and qualitative measures, based on an



existing service standard such as square feet per capita or park acres per capita. The LOS standards are determined in a manner similar to the current replacement cost approach used by property insurance companies. However, in contrast to insurance practices, clients do not use the funds for renewal and/or replacement of existing facilities. Rather, the jurisdiction uses the impact fee revenue to expand or provide additional facilities as needed to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments with LOS standards based on current conditions in the community.

**Evaluation of Alternatives.** Designing the optimum impact fee approach and methodology is what sets TischlerBise apart from our competitors. Unlike most consultants, we routinely consider each of the three methodologies for each component within a fee category. The selection of the particular methodology for each component of the impact fee category will be dependent on which is most beneficial for Fairhope. In a number of cases, we will prepare the impact fee using several methodologies and will discuss the various trade-offs with the City. There are likely to be policy and revenue tradeoffs. We recognize that “one size does *not* fit all” and create the optimum format that best achieves our clients’ goals.

***Each community is different, each fee category is different, and TischlerBise compares alternative methodologies to maximize revenues for our clients.***



## Relevant Experience

TischlerBise, Inc., was founded in 1977 as Tischler, Montasser & Associates. The firm became Tischler & Associates, Inc., in 1980 and TischlerBise, Inc., in 2005. The firm is a Subchapter (S) corporation, is incorporated in Washington, D.C., and maintains offices in Bethesda, Maryland and Bradenton, Florida. The firm's legal address is:

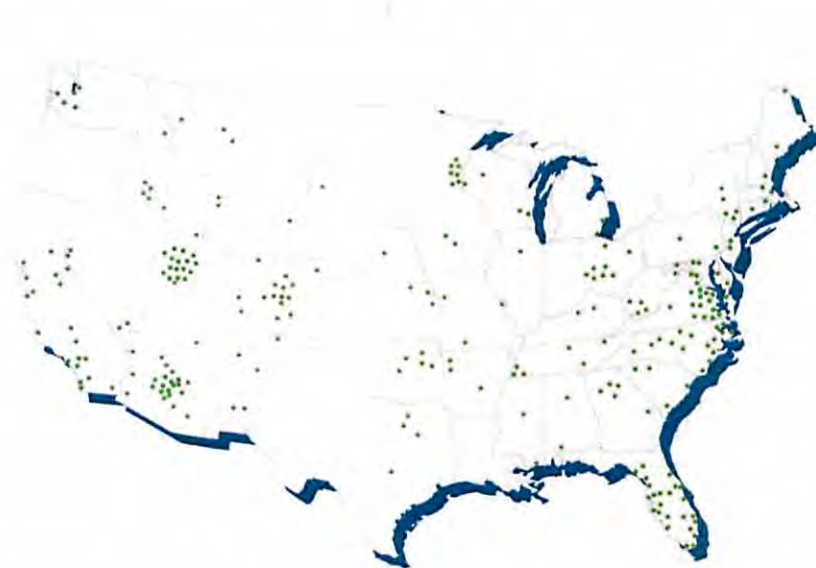
### Principal Office

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4701 Sangamore Rd, Suite 240  
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301.320.6900 x12 (w) | 301.320.4860 (f)  
carson@tischlerbise.com

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Bradenton, FL 34205

TischlerBise is a fiscal, economic, and planning consulting firm specializing in fiscal/economic impact analysis, impact fees, market feasibility, infrastructure financing studies and related revenue strategies. Our firm has been providing consulting services to public agencies



for over thirty years. In this time, we have prepared over **800 fiscal/economic impact evaluations and over 900 impact fee/infrastructure financing studies** – more than any other firm. Through our detailed approach, proven methodology, and comprehensive product, we have established TischlerBise as the leading national expert on revenue enhancement and cost of growth strategies. The graphic depicts our vast fiscal/economic impact experience with clients nationwide.

## Alabama Experience

An important factor to consider related to this work effort is our relevant experience working in Baldwin County, which makes us intimately familiar with local government revenue structures as well as the planning



and growth management issues facing the City of Fairhope. The following table summarizes TischlerBise's vast impact fee experience in Baldwin County.

STATE	CLIENT	Feasibility Analysis	Roads/Transportation	Sewer	Water	Stormwater	Solid Waste	Law Enforcement	Fire/EMS	Parks and Recreation	Trails/Open Space	Libraries	General Government	Schools
AL	Baldwin County		◆							◆				◆
AL	Daphne		◆					◆	◆	◆				
AL	Fairhope		◆					◆	◆	◆		◆		
AL	Foley		◆					◆	◆	◆				
AL	Gulf Shores		◆					◆	◆	◆				
AL	Orange Beach		◆					◆	◆	◆		◆		

## National Experience

TischlerBise is the national leader in impact fee calculations, having prepared over 900 impact fee evaluations nationwide. Our widespread national experience has enabled us to stay ahead of the latest approaches and impact fee trends. TischlerBise staff members are frequently called upon to speak on impact fees for various national groups and organizations including the American Planning Association, the National Association of Homebuilders, the National Impact Fee Roundtable, the Urban Land Institute and the Government Finance Officers Association. While every community is unique, this national experience provides invaluable perspective for our clients. The table below illustrates our vast national impact fee experience over the past ten years.

STATE	CLIENT	Feasibility Analysis	Roads/Transportation	Sewer	Water	Stormwater	Solid Waste	Law Enforcement	Fire/EMS	Parks and Recreation	Trails/Open Space	Libraries	General Government	Schools
AR	Bentonville			◆	◆			◆	◆	◆		◆		
AR	Siloam Springs		◆	◆	◆			◆	◆	◆				
AZ	Apache County	◆												
AZ	Apache Junction		◆					◆	◆	◆		◆	◆	
AZ	Avondale		◆	◆	◆			◆	◆	◆		◆	◆	
AZ	Buckeye		◆	◆	◆			◆		◆		◆	◆	
AZ	Bullhead City		◆					◆		◆			◆	
AZ	Camp Verde	◆						◆		◆		◆	◆	
AZ	Carefree	◆	◆		◆						◆		◆	
AZ	Casa Grande		◆	◆				◆	◆	◆		◆	◆	
AZ	Cave Creek		◆	◆	◆					◆	◆		◆	
AZ	Cochise County	◆												



STATE	CLIENT	Feasibility Analysis	Roads/Transportation	Sewer	Water	Stormwater	Solid Waste	Law Enforcement	Fire/EMS	Parks and Recreation	Trails/Open Space	Libraries	General Government	Schools
AZ	Coolidge		◆	◆			◆	◆	◆	◆			◆	
AZ	Dewey-Humboldt		◆					◆	◆	◆		◆	◆	
AZ	El Mirage			◆	◆			◆	◆	◆			◆	
AZ	Eloy			◆	◆			◆		◆		◆	◆	
AZ	Flagstaff	◆	◆					◆	◆	◆		◆	◆	
AZ	Gilbert		◆		◆			◆	◆			◆		
AZ	Glendale			◆	◆	◆		◆	◆	◆		◆	◆	
AZ	Goodyear		◆	◆	◆			◆	◆	◆		◆		
AZ	Holbrook			◆	◆		◆							
AZ	Lake Havasu City		◆											
AZ	Maricopa	◆	◆					◆	◆	◆	◆	◆	◆	
AZ	Navajo County	◆	◆						◆					
AZ	Northwest Fire District								◆					
AZ	Peoria	◆	◆					◆	◆	◆	◆	◆	◆	
AZ	Phoenix		◆				◆	◆	◆	◆	◆	◆		
AZ	Pinal County	◆	◆					◆		◆				
AZ	Pinetop-Lakeside		◆					◆		◆	◆		◆	
AZ	Prescott	◆												
AZ	Queen Creek		◆	◆	◆			◆	◆		◆	◆	◆	
AZ	Safford			◆	◆									
AZ	San Luis		◆	◆	◆	◆		◆	◆	◆				
AZ	Scottsdale			◆	◆									
AZ	Sedona		◆			◆		◆		◆			◆	
AZ	Show Low	◆	◆	◆	◆			◆		◆		◆		
AZ	Sierra Vista		◆					◆	◆	◆	◆	◆		
AZ	Somerton		◆	◆	◆	◆		◆	◆	◆				
AZ	Springerville	◆		◆	◆									
AZ	Surprise		◆	◆	◆			◆	◆	◆		◆	◆	
AZ	Taylor	◆	◆					◆	◆	◆			◆	
AZ	Tolleson	◆	◆	◆	◆	◆		◆	◆				◆	
AZ	Tucson		◆											
AZ	Wellton		◆	◆	◆	◆		◆	◆	◆				
AZ	Yuma		◆	◆		◆		◆	◆	◆	◆		◆	
CA	Avenal		◆	◆		◆	◆	◆	◆	◆		◆		
CA	Banning		◆					◆	◆	◆			◆	
CA	Butte County		◆					◆	◆			◆	◆	
CA	Chino Hills		◆	◆		◆				◆				
CA	Clovis			◆										





STATE	CLIENT	Feasibility Analysis	Roads/Transportation	Sewer	Water	Stormwater	Solid Waste	Law Enforcement	Fire/EMS	Parks and Recreation	Trails/Open Space	Libraries	General Government	Schools
CA	Corcoran			◆	◆			◆		◆			◆	
CA	El Centro							◆	◆	◆		◆	◆	
CA	Grass Valley		◆	◆	◆	◆		◆	◆	◆			◆	
CA	Half Moon Bay		◆	◆				◆		◆	◆			
CA	Hemet		◆			◆		◆	◆	◆	◆	◆	◆	
CA	Imperial County	◆												
CA	Maywood	◆												
CA	National City							◆	◆	◆		◆		
CA	Rancho Cucamonga									◆				
CA	Suisun City		◆							◆			◆	
CA	Temecula		◆	◆	◆			◆		◆	◆	◆	◆	
CA	Tulare		◆	◆	◆	◆		◆	◆	◆	◆	◆	◆	
CA	Visalia									◆		◆	◆	
CO	Arapahoe County		◆											
CO	Boulder		◆					◆	◆	◆	◆	◆		
CO	Castle Rock		◆			◆		◆	◆	◆	◆		◆	
CO	Colorado Springs		◆											
CO	Eaton			◆	◆			◆		◆	◆		◆	
CO	Erie		◆					◆		◆	◆		◆	
CO	Evans		◆											
CO	Garfield County		◆											
CO	Greeley		◆	◆					◆	◆				
CO	Johnstown		◆					◆	◆	◆	◆	◆	◆	
CO	Longmont		◆						◆				◆	
CO	Louisville	◆	◆					◆		◆	◆	◆	◆	
CO	Montezuma County		◆											
CO	Pitkin County		◆											
CO	Pueblo		◆											
CO	Steamboat Springs							◆	◆	◆	◆		◆	
CO	Thornton		◆			◆		◆	◆	◆			◆	
CO	Vail		◆											
DE	Appoquinimink Schools													◆
DE	New Castle County			◆				◆	◆	◆		◆	◆	
DE	State of Delaware		◆					◆	◆					◆
FL	Coral Gables		◆	◆				◆	◆	◆			◆	
FL	Deerfield Beach							◆	◆					
FL	DeSoto County	◆	◆						◆	◆		◆	◆	
FL	DeSoto County Schools													◆





STATE	CLIENT	Feasibility Analysis	Roads/Transportation	Sewer	Water	Stormwater	Solid Waste	Law Enforcement	Fire/EMS	Parks and Recreation	Trails/Open Space	Libraries	General Government	Schools
FL	Key Biscayne	◆												
FL	Lake Wales			◆	◆			◆	◆	◆		◆		
FL	Manatee County		◆					◆	◆	◆			◆	
FL	Manatee County Schools													◆
FL	Miami	◆						◆	◆	◆	◆		◆	◆
FL	Naples	◆												
FL	North Miami	◆		◆	◆			◆	◆	◆	◆	◆	◆	
FL	Parkland							◆		◆				
FL	Pasco County School Board													◆
FL	Plant City											◆		
FL	Polk County							◆		◆				
FL	Port St. Lucie									◆			◆	
FL	Punta Gorda		◆					◆	◆	◆		◆	◆	
FL	Seminole County Schools													◆
FL	Stuart		◆					◆	◆	◆			◆	
FL	Sunny Isles Beach							◆		◆			◆	
FL	West Miami			◆				◆		◆			◆	
GA	Atlanta		◆					◆	◆	◆		◆	◆	
GA	Calhoun	◆												
GA	Douglas County	◆	◆					◆	◆	◆		◆		
GA	Douglasville	◆	◆					◆		◆				
GA	Effingham County		◆	◆	◆			◆		◆		◆		
GA	Gordon County	◆							◆	◆		◆		
GA	Henry County		◆											
GA	Roswell		◆						◆	◆				
IA	West Des Moines									◆				
ID	Caldwell	◆												
ID	Canyon County	◆												
ID	Hailey		◆	◆	◆			◆	◆	◆	◆	◆	◆	
ID	Hayden		◆					◆		◆				
ID	Kellogg			◆				◆		◆				
ID	Kootenai County Fire & Rescue								◆					
ID	Nampa	◆	◆	◆	◆			◆	◆	◆	◆			
ID	Post Falls	◆	◆					◆		◆				
ID	Sandpoint		◆						◆	◆	◆			
ID	Shoshone Fire District								◆					
ID	Victor		◆					◆	◆	◆				





STATE	CLIENT	Feasibility Analysis	Roads/Transportation	Sewer	Water	Stormwater	Solid Waste	Law Enforcement	Fire/EMS	Parks and Recreation	Trails/Open Space	Libraries	General Government	Schools
IL	Evanston	◆	◆		◆					◆		◆		
LA	Covington			◆	◆									
MD	Anne Arundel		◆											◆
MD	Brunswick							◆		◆			◆	
MD	Calvert County		◆					◆	◆					◆
MD	Caroline County													◆
MD	Carroll County					◆			◆	◆		◆	◆	◆
MD	Cecil County		◆					◆	◆				◆	
MD	Charles County		◆							◆				◆
MD	Dorchester County	◆						◆						◆
MD	Easton	◆	◆					◆	◆	◆			◆	
MD	Frederick		◆											
MD	Frederick County		◆					◆	◆	◆		◆	◆	◆
MD	Hagerstown		◆					◆		◆			◆	
MD	Hampstead				◆			◆		◆				
MD	Harford County	◆												
MD	Ocean City	◆												
MD	Queen Anne's County	◆						◆	◆	◆	◆	◆	◆	◆
MD	Salisbury	◆	◆	◆	◆			◆	◆	◆	◆		◆	
MD	Snow Hill	◆						◆	◆	◆			◆	
MD	Talbot	◆	◆							◆		◆	◆	◆
MD	Washington County							◆						◆
MD	Westminster		◆		◆					◆			◆	◆
MD	Wicomico		◆											◆
MD	Worcester					◆				◆		◆	◆	◆
MN	Woodbury			◆	◆	◆								
MO	Nixa			◆	◆			◆		◆			◆	
MO	Nixa Fire Protection District								◆					
MS	Madison							◆	◆	◆	◆			
MT	Belgrade	◆	◆	◆	◆				◆	◆				
MT	Big Sky			◆										
MT	Bozeman		◆	◆	◆				◆					
MT	Corvallis School District													◆
MT	Flathead County		◆						◆					
MT	Florence School District													◆
MT	Gallatin County	◆	◆						◆					
MT	Gallatin County Fire Districts								◆					
MT	Great Falls	◆												





STATE	CLIENT	Feasibility Analysis	Roads/Transportation	Sewer	Water	Stormwater	Solid Waste	Law Enforcement	Fire/EIMS	Parks and Recreation	Trails/Open Space	Libraries	General Government	Schools
MT	Madison	◆												
MT	Manhattan			◆	◆									
MT	Missoula							◆	◆	◆	◆		◆	
MT	Missoula County							◆	◆	◆				
MT	Polson			◆	◆					◆				
MT	Ravalli	◆												
NC	Cabarrus County													◆
NC	Camden County													◆
NC	Catawba County													◆
NC	Chatham County													◆
NC	Creedmoor			◆	◆									
NC	Currituck County													◆
NC	Durham													◆
NC	Greenville		◆						◆	◆				
NC	Jacksonville	◆		◆	◆									
NC	Nags Head							◆		◆			◆	
NC	Orange County									◆	◆			◆
NC	Pasquotank													◆
ND	Minot											◆	◆	
NE	Lincoln		◆	◆	◆					◆				
NM	Albuquerque		◆					◆	◆	◆				
NM	Las Cruces			◆	◆									
NV	North Las Vegas	◆							◆					
NV	Nye County		◆			◆		◆	◆	◆				
NV	Washoe County		◆											
OH	Delaware							◆	◆	◆			◆	
OH	Lebanon		◆							◆				
OH	Pickerington	◆	◆					◆		◆			◆	
OH	Sunbury							◆					◆	
OK	Edmond			◆	◆									
RI	East Greenwich								◆	◆	◆		◆	◆
RI	Middletown			◆				◆	◆	◆			◆	◆
SC	Aiken		◆				◆	◆	◆	◆				
SC	Anderson County		◆											
SC	Georgetown County		◆					◆				◆		
SC	Horry County	◆						◆	◆	◆	◆	◆		
SC	Richland County		◆											
SC	Summerville								◆	◆			◆	



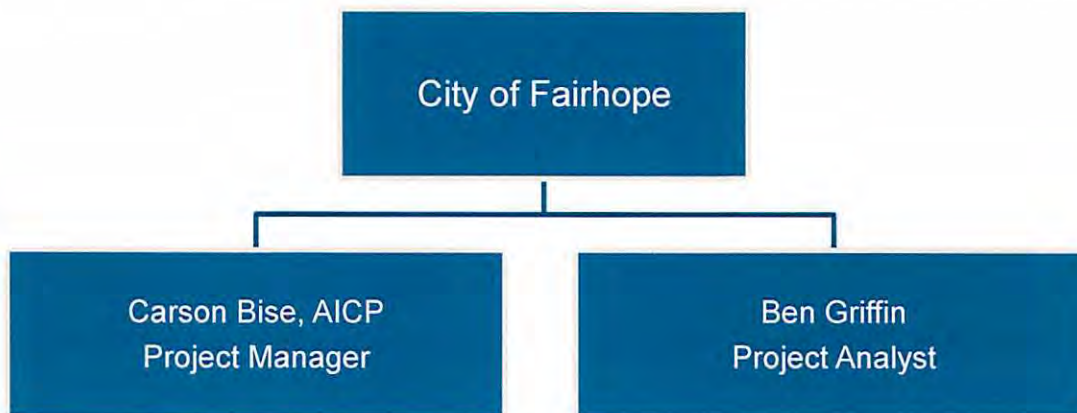


STATE	CLIENT	Feasibility Analysis	Roads/Transportation	Sewer	Water	Stormwater	Solid Waste	Law Enforcement	Fire/EMS	Parks and Recreation	Trails/Open Space	Libraries	General Government	Schools
UT	American Fork	◆	◆	◆						◆				
UT	Brigham City	◆												
UT	Clearfield	◆		◆	◆	◆				◆				
UT	Clinton City		◆	◆	◆	◆			◆	◆	◆			
UT	Draper		◆		◆	◆			◆	◆	◆			
UT	Farmington		◆	◆	◆	◆		◆	◆	◆	◆			
UT	Hyde Park		◆	◆	◆					◆				
UT	Kaysville		◆	◆						◆				
UT	Logan	◆	◆	◆	◆	◆		◆		◆	◆			
UT	Mapleton			◆	◆	◆			◆	◆	◆			
UT	North Logan	◆	◆	◆	◆					◆	◆			
UT	Pleasant Grove	◆	◆	◆	◆			◆	◆	◆				
UT	Salt Lake County					◆				◆				
UT	Sandy City		◆			◆		◆	◆		◆			
UT	South Valley Sewer District	◆		◆										
UT	Spanish Fork	◆		◆	◆	◆				◆				
UT	Springville									◆				
UT	Wellsville		◆	◆	◆				◆	◆				
UT	West Jordan		◆	◆	◆	◆		◆	◆	◆				
UT	Woods Cross	◆		◆	◆					◆				
VA	Chesterfield County		◆						◆	◆		◆		◆
VA	Goochland County		◆											
VA	Henrico County		◆							◆		◆		◆
VA	Isle of Wight County								◆	◆				◆
VA	Prince George County							◆	◆	◆		◆	◆	◆
VA	Prince William County		◆											
VA	Spotsylvania County		◆											
VA	Stafford County		◆											
VA	Suffolk			◆	◆									
VA	Sussex County	◆												
WI	Eau Claire		◆	◆	◆	◆				◆				
WV	Jefferson County							◆	◆	◆			◆	◆
WY	Casper	◆	◆						◆	◆				
WY	Pinedale	◆		◆	◆				◆	◆	◆		◆	
WY	Teton County		◆											

# Project Personnel

## Project Team Overview

Our proposed Project Team of Carson Bise, AICP and Ben Griffin., has unsurpassed experience performing projects requiring the same expertise as that needed to serve the City of Fairhope. Our Project Team brings over 50 years of impact fee calculation, infrastructure finance, demographic and market analysis, and implementation experience to the City's assignment. In summary, each of our Project Team are considered national thought leaders in the areas of impact fees, exactions, infrastructure finance, impact fee program administration, and implementation. The organizational chart below shows our project team for this assignment.



**Carson Bise, AICP**, President of TischlerBise, will serve as Project Manager and coordinate our project team's interaction with the City to ensure that all work is completed properly, on time, and within budget. He will work closely with TischlerBise and City staff, developing and reviewing all aspects of the project and providing overall quality assurance for the project. He will also have a major role in all aspects of the project.

**Benjamin Griffin**, Senior Fiscal / Economic Analyst at TischlerBise, will assist with this assignment. Mr. Griffin, in conjunction with Mr. Bisee, will ensure constant collaboration and communication between Park and Planning Commission staff and our team through frequent progress memorandums, conference calls, and in-person meetings. Mr. Griffin has prepared impact fees, market analyses, and revenue strategies for local governments in 13 states.





## Project Team Resumes

### L. Carson Bise, II, AICP, President

Mr. Bise has 25 years of fiscal, economic and planning experience, and **has conducted fiscal and infrastructure finance evaluations in over 35 states**. Mr. Bise is a leading national figure in the calculation of impact fees, having completed over 200 impact fees for the following categories: parks and recreation, open space, police, fire, schools, water, sewer, roads, municipal power, and general government facilities. In his seven years as a planner at the local government level he coordinated Capital Improvement Plans, conducted market analyses and business development strategies, and developed comprehensive plans. Mr. Bise has also written and lectured extensively on fiscal impact analysis and infrastructure financing. His most recent publications are *Next Generation Transportation Impact Fees* and *Fiscal Impact Analysis: Methodologies for Planners* published by the American Planning Association, a chapter on fiscal impact analysis in the book *Planning and Urban Design Standards* also published by the American Planning Association, and the ICMA IQ Report, *Fiscal Impact Analysis: How Today's Decisions Affect Tomorrow's Budgets*. Mr. Bise was also the principal author of the fiscal impact analysis component for the Atlanta Regional Commission's Smart Growth Toolkit and is featured in the recently released AICP CD-ROM Training Package entitled *The Economics of Density*. Mr. Bise is currently on the Board of Directors of the Growth and Infrastructure Finance Consortium and **recently Chaired the American Planning Association's Paying for Growth Task Force. He was also recently named an Affiliate of the National Center for Smart Growth Research & Education.**

#### SELECTED IMPACT FEE AND INFRASTRUCTURE FUNDING STRATEGY EXPERIENCE

- City of Daphne, Alabama – *Impact Fee Study*
- City of Foley, Alabama – *Impact Fee Study*
- City of Gulf Shores, Alabama – *Impact Fee Study*
- City of Orange Beach, Alabama – *Impact Fee Study*
- City of Apache Junction, Arizona – *Impact Fee Study*
- Town of Camp Verde, Arizona – *Impact Fee Study*
- City of Eloy, Arizona – *Impact Fee Study*
- City of Siloam Springs, Arkansas – *Impact Fee Study*
- City of Avenal, California – *Impact Fee Study*
- City of Banning, California – *Impact Fee Study*
- City of National City, California – *Impact Fee Study*
- City of Temecula, California – *Impact Fee Study*
- City of Tulare, California – *Impact Fee Study*
- City of Boulder, Colorado – *Impact Fee/Excise Tax Study*
- Town of Castle Rock, Colorado – *Impact Fee Study*
- City of Evans, Colorado – *Impact Fee Study*
- City of Greeley, Colorado – *Impact Fee Study*
- City of Longmont, Colorado – *Impact Fee Study*
- City of Louisville, Colorado – *Impact Fee Study*
- City of Steamboat Springs, Colorado – *Impact Fee Study*



- City of Thornton, Colorado – *Impact Fee Study*
- Town of Vail, Colorado – *Impact Fee Study*
- DeSoto County, Florida – *Impact Fee Study*
- Manatee County, Florida – *Impact Fee Study*
- City of North Miami, Florida – *Impact Fee Study*
- Pasco County, Florida – *School Impact Fee Study*
- Polk County, Florida – *Impact Fee Study*
- City of Punta Gorda, Florida – *Impact Fee Study*
- Seminole County, Florida – *School Impact Fee and Infrastructure Financing Study*
- Anne Arundel County, Maryland – *Revenue Strategies*
- Calvert County, Maryland – *Impact Fee Study*
- Caroline County, Maryland – *Schools Excise Tax Study*
- Carroll County, Maryland – *Impact Fee Study*
- Charles County, Maryland – *Impact Fee Study*
- Dorchester County, Maryland – *Impact Fee Study*
- Town of Easton, Maryland – *Impact Fee Study*
- City of Hagerstown, Maryland – *Impact Fee Study*
- Town of Hampstead, Maryland – *Impact Fee Study*
- City of Salisbury, Maryland – *Impact Fee Study*
- Talbot County, Maryland – *Impact Fee Study*
- Washington County, Maryland – *Impact Fee Study*
- Wicomico County, Maryland – *Impact Fee Study*
- Worcester County, Maryland – *Impact Fee Study*
- Broadwater County, Montana – *Impact Fee Feasibility Study*
- Flathead County, Montana – *Impact Fee Feasibility Study and Impact Fee Study*
- Florence-Carlton School District, Montana – *Impact Fee Study*
- Gallatin Canyon/Big Sky, Montana – *Capital Improvement and Funding Plan*
- City of Great Falls, Montana – *Impact Fee Feasibility Study*
- City of Laurel, Montana – *Impact Fee Feasibility Study*
- City of Missoula/Missoula County, Montana – *Impact Fee Study and Capital Facility Plan*
- City of North Las Vegas, Nevada – *Impact Fee Study*
- Nye County/Town of Pahrump, Nevada – *Impact Fee Study*
- City of Las Cruces, New Mexico – *Water and Sewer Impact Fee Study*
- Cabarrus County, North Carolina – *Voluntary Mitigation Payment Studies (Two School Districts)*
- City of Greenville, North Carolina – *Impact Fee Study*
- Abbeville County, South Carolina – *Infrastructure Funding Strategy*
- Beaufort County, South Carolina – *Infrastructure Funding Strategy*
- Clinton City, Utah – *Impact Fee Study*
- Draper City, Utah – *Impact Fee Study*
- Farmington City, Utah – *Impact Fee Study*
- Logan City, Utah – *Impact Fee Study*
- Mapleton City, Utah – *Impact Fee Study*
- City of Spanish Fork, Utah – *Impact Fee Study*

- City of West Jordan, Utah – *Impact Fee Study*
- Goochland County, Virginia – *Cash Proffer Study*
- Henrico County, Virginia – *Impact Fee Study; Cash Proffer Study*
- Prince George County, Virginia – *Cash Proffer Study*
- Prince William County, Virginia – *Impact Fee Study*
- Spotsylvania County, Virginia – *Impact Fee Study*
- Stafford County, Virginia – *Impact Fee Study*
- Sussex County, Virginia – *Cash Proffer Study*

## EDUCATION

M.B.A., Economics, Shenandoah University

B.S., Geography/Urban Planning, East Tennessee State University

B.S., Political Science/Urban Studies, East Tennessee State University

## PUBLICATIONS

- “Next Generation Transportation Impact Fees,” American Planning Association, Planners Advisory Service.
- “Fiscal Impact Analysis: Methodologies for Planners,” American Planning Association.
- “Planning and Urban Design Standards,” American Planning Association, Contributing Author on Fiscal Impact Analysis.
- “Fiscal Impact Analysis: How Today’s Decisions Affect Tomorrow’s Budgets,” ICMA Press.
- “The Cost/Contribution of Residential Development,” Mid-Atlantic Builder.
- “Are Subsidies Worth It?” Economic Development News & Views.
- “Smart Growth and Fiscal Realities,” ICMA Getting Smart! Newsletter.
- “The Economics of Density,” AICP Training Series, 2005, Training CD-ROM (American Planning Association).

## Benjamin Griffin, Senior Fiscal / Economic Analyst

Mr. Griffin is a Senior Fiscal / Economic Analyst at TischlerBise with specialties in finance and economic development planning. Prior to joining TischlerBise, Mr. Griffin worked on real estate and economic development projects for the New Orleans Business Alliance. During this time, he conducted field surveys to determine the economic health of key retail corridors, researched real estate development projects, and analyzed economic development initiatives. Prior to his real estate and economic development experience, Mr. Griffin worked with the New Orleans Redevelopment Authority, where he gained experience in performance-based funding sources, title clearance, and GIS. This position provided practical experience with issues concerning the redevelopment process, title clearance of properties received and acquired through various means, and analysis of property data for redevelopment projects. Mr. Griffin also possesses professional experience with the Jefferson Parish Planning Department, where he worked in the Current Planning Division.





## SELECTED IMPACT FEE AND INFRASTRUCTURE FUNDING STRATEGY EXPERIENCE

- City of Buckeye, AZ - *Development Impact Fee Study*
- Pinal County, AZ - *Development Impact Fee Study*
- City of Sierra Vista, AZ - *Development Impact Fee Study*
- City of Yuma, AZ - *Development Impact Fee Study*
- Town of Mammoth Lakes, CA - *Development Fee Study*
- City of Suisun City, CA - *Development Fee Study*
- Town of Evans, CO – *Impact Fee Study*
- City of Fort Collins, CO - *Transportation Fee Study*
- City of Thornton, CO - *Impact Fee Study*
- Town of Mead, CO - *Impact Fee Study*
- Manatee County, FL - *Impact Fee Study*
- Manatee County, FL - *School Impact Fee Study*
- City of Covington, LA – *Capacity Charge Study*
- Town of Middletown, RI - *Impact Fee Study*
- City of Corpus Christi, TX – *Wastewater User Rate Affordability Study*
- Jefferson County, WV – *School Impact Fee Study*

## EDUCATION

Master of Urban and Regional Planning, Economic Development, University of New Orleans

Bachelor of Business Administration, Finance, University of Mississippi





## Work Scope

### TASK 1: PROJECT INITIATION / DATA ACQUISITION

During this task, we will meet with City staff to establish lines of communication, review and discuss project goals and expectations related to the project, review (and revise if necessary) the project schedule, request data and documentation related to new proposed development, and discuss City staff's role in the project. The objectives of this initial discussion are outlined below:

- Obtain and review current demographics and other land use information for the City of Fairhope
- Review and refine work plan and schedule
- Discuss current and previous work efforts related to this topic
- Assess additional information needs and required staff support
- Identify and collect data and documents relevant to the analysis
- Identify any major relevant policy issues
- Discuss outreach strategy and schedule

#### **Meetings:**

One (1) on-site visit to meet with City project management team/City staff as appropriate.

#### **Deliverables:**

1) Revisions to project schedule, if necessary. 2) Data request memorandum.

### TASK 2: PREPARE LAND USE ASSUMPTIONS AND DEVELOPMENT PROJECTIONS

The purpose of this task is to review and understand the current demographics of the City as they relate to growth and development and determine the likely development future for the City in terms on new population, housing units, employment, and nonresidential building area over the next 10-20 years. Information from the City will serve as the basis for preparing projections of residential and nonresidential development for consideration by staff and the stakeholder group. TischlerBise will prepare a plan that includes projections of changes in land uses, densities, intensities, and population for a specific service area.

#### **Meetings:**

Discussions with the Planning and Zoning Department will be held as part of Task 1, as well as conference calls as needed.

#### **Deliverables:**

TischlerBise will prepare a draft technical memorandum discussing the recommended land use factors and projections. After review and sign-off by the City, a final memorandum will be issued, which will become part of the final Impact Fee Study.





### TASK 3: DETERMINE CAPITAL FACILITY NEEDS AND SERVICE LEVELS

This Task as well as Tasks 4-6 may vary somewhat depending on the methodology applied to a particular impact fee category. The impact fee study for each facility type would be presented in separate chapters in the impact fee report.

**Identify Facilities/Costs Eligible for Impact Fee Funding.** As an essential part of the nexus analysis, TischlerBise will evaluate the impact of development on the need for additional facilities, by type, and identify costs eligible for impact fee funding. Elements of the analysis include:

- Review facility plans, fixed asset inventories, and other documents establishing the relationship between development and facility needs by type.
- Identify planned facilities, vehicles, equipment, and other capital components eligible for impact fee funding.
- Prepare forecast of relevant capital facility needs.
- Adjust costs as needed to reflect other funding sources.

As part of calculating the fee, Fairhope may include the construction contract price; the cost of acquiring land, improvements, materials, and fixtures; the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction system improvement; and debt service charges, if the City of Fairhope might use impact fees as a revenue stream to pay the principal and interest on bonds, notes or other obligations issued to finance the cost of system improvements. All of these components will be considered in developing an equitable allocation of costs.

**Identify Appropriate Level of Service (LOS) Standards.** We will review needs analyses and LOS for each facility type. Activities related to this Task include:

- Apply defined service standards to data on future development to identify the impacts of development on facility and other capital needs. This will include discussions with staff of the existing versus adopted LOS, as appropriate.
- Ascertain and evaluate the actual demand factors (measures of impact) that generate the need for each type of facility to be addressed in the study.
- Identify actual existing service levels for each facility type. This is typically expressed in the number of demand units served.
- Define service standards to be used in the impact fee analysis.
- Determine appropriate geographic service areas for each fee category.

**Meetings:**

Two (2) meetings with City staff to discuss capital facility needs and levels-of-service.


**Deliverables:**

Memoranda as appropriate. Results integrated into Draft/Final Impact Fee report (See Task 7).

### TASK 4: EVALUATE DIFFERENT ALLOCATION METHODOLOGIES

The purpose of this Task is to determine the methodology most appropriate for each impact fee category. As noted previously, the three basic methodologies that can be applied in the calculation of impact fees are





the plan-based, incremental expansion, and cost-recovery approaches. Selection of the particular methodology for each component of the impact fee category will depend on which is most beneficial for Fairhope. In a number of cases, we will prepare the impact fees for a particular infrastructure category using several methodologies and will discuss the trade-offs with Fairhope. This allows the utilization of a combination of methodologies within one fee category. For instance, a plan-based approach may be appropriate for a new building while an incremental approach may be appropriate for support vehicles and equipment. By testing all possible methodologies, Fairhope is assured that the maximum supportable impact fee will be developed. Policy discussions will then be held at the staff level regarding the trade-offs associated with each allocation method prior to proceeding to the next Task as well as trade-offs regarding implementation as impact fees.

***Meetings:***

One (1) meeting with City staff to discuss issues related to allocation methodologies

***Deliverables:***

Memoranda as appropriate. See Task 7.

**TASK 5: DETERMINE NEED FOR “CREDITS” TO BE APPLIED AGAINST CAPITAL COSTS**

A consideration of “credits” is integral to the development of a legally valid impact fee methodology. There is considerable confusion among those who are not immersed in impact fee law about the definition of a credit and why it may be required.

There are two types of “credits” that are included in the calculation of impact fees, each with specific, distinct characteristics. The first is a credit due to possible double payment situations. This could occur when a property owner will make future contributions toward the capital costs of a public facility covered by an impact fee. The second is a credit toward the payment of an impact fee for the required dedication of public sites and improvements provided by the developer and for which the impact fee is imposed. Both types of credits will be considered and addressed in the impact fee study.

***Deliverables:***

Memoranda as appropriate. See Task 7.

**TASK 6: CONDUCT FUNDING AND CASH FLOW ANALYSIS**

In order to prepare a meaningful capital funding strategy, it is important to not only understand the gross revenues, but also the capital facility costs and any deficits. In this case some consideration should be given to anticipated funding sources. This calculation will allow Fairhope to better understand the various revenue sources possible and the amount that would be needed if the impact fees were discounted.

The initial cash flow analysis will indicate whether additional funds might be needed or if the funding strategy might need to be changed to have new growth pay its fair share of new capital facilities. This could also affect the total credits calculated in the previous Task. Therefore, it is likely that a number of iterations will be conducted in order to refine the cash flow analysis reflecting the capital improvement needs.





***Deliverables:***

See Task 7.

**TASK 7: PREPARE IMPACT FEE REPORT, PUBLIC PRESENTATIONS**

TischlerBise will prepare a draft report for City's review. The report will summarize the need for all relevant categories of impact fees in Fairhope and the relevant methodologies employed in the calculation. It will also document all assumptions and cost factors. The report will include at a minimum the following information:

- Executive summary
- A detailed description of the methodologies used during the study
- A detailed description of all LOS standards and cost factors used and accompanying rationale
- A detailed schedule of all proposed fees listed by land use type and activity
- Other information which adequately explains and justifies the resulting recommended fee schedule
- Cash flow analysis
- Implementation and administration procedures

Following the City's review of the draft report, we will make mutually agreed upon changes to the impact fee report and issues a final version.

***Meetings:***

One (1) meeting/ presentation to present results with the City Council.

***Deliverables:***

Draft and final reports and presentation materials for meetings.

# Schedule and Costs

## Project Schedule

The following figure provides our anticipated schedule for the Impact Fee Study, as well as number of meetings and deliverables.

PROPOSED SCHEDULE- IMPACT FEE STUDY			
Tasks	Anticipated Dates	Meetings*	Meetings/Deliverables
Task 1: Project Initiation	October, 2017	1*	Data Request Memorandum and Revised Project Schedule, if necessary.
Task 2: Prepare Land Use Assumptions and Development Projections	October - November, 2017	1*	Technical Memorandum on Land Use Assumptions/Development Projections
Task 3: Determine Capital Facility Needs and Service Levels	December, 2017 - February, 2018	2*	Memoranda as Appropriate
Task 4: Evaluate Different Allocation Methodologies	February, 2018	1	Memoranda as Appropriate
Task 5: Determine Need for "Credits" to be Applied Against Capital Costs	February, 2018	0	Memoranda as Appropriate
Task 6: Conduct Funding and Cash Flow Analysis	February, 2018	0	See Task 7
Task 7: Prepare Development Impact Fee Report, Presentations	February, 2018	1*	Draft and Final Development Impact Fee Report

\*In several cases it is assumed meetings are held with multiple departments over one (1) trip.

## Project Costs

The following figure provides our fixed fee cost proposal for the Impact Fee Study.

PROPOSED FEE - IMPACT FEE STUDY				
Project Team Member:	Bise	Griffin	Total	
Hourly Rate*	\$200	\$185	Hours	Cost
Task 1: Project Initiation	8	8	16	\$3,080
Task 2: Prepare Land Use Assumptions and Development Projections	16	28	44	\$8,380
Task 3: Determine Capital Facility Needs and Service Levels	40	60	100	\$19,100
Task 4: Evaluate Different Allocation Methodologies	16	8	24	\$4,680
Task 5: Determine Need for "Credits" to be Applied Against Capital Costs	8	8	16	\$3,080
Task 6: Conduct Funding and Cash Flow Analysis	0	8	8	\$1,480
Task 7: Prepare Development Impact Fee Report, Presentations	42	60	102	\$19,500
<i>Expenses:</i>				<i>\$8,700</i>
<b>Total Cost:</b>	<b>130</b>	<b>180</b>	<b>310</b>	<b>\$68,000</b>



# TischlerBise

FISCAL | ECONOMIC | PLANNING

**Principal Office**

4701 Sangamore Road, Suite S240 |  
Bethesda, MD 20816  
301.320.6900 x12 (w) | 301.320.4860 (f) |  
carson@tischlerbise.com

**Florida Office:**

606 3<sup>rd</sup> Avenue West #304 | Bradenton,  
FL 34205



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPOINTING A DIRECTOR TO THE  
EDUCATIONAL BUILDING AUTHORITY OF THE CITY OF  
FAIRHOPE, ALABAMA – ST. MICHAEL CATHOLIC HIGH SCHOOL

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA  
(the "City Council"), as follows:

Section 1. The City Council has found and determined and does hereby find, determine and declare as follows:

(a) The City Council has heretofore authorized the incorporation, and appointed the directors, of The Educational Building Authority of the City of Fairhope, Alabama - St. Michael's Catholic High School (the "Authority").

(b) The initial term of Mr. James C. Bailey as a director of the Authority will expire on the second Monday of November, 2017.

(c) It is in the best interests of the Authority and the City to reappoint Mr. James C. Bailey as a director of the Authority.

Section 2. Pursuant to Section 16-17-5 of the Code of Alabama 1975, the City Council does hereby appoint the following person as a director of the Authority for the term ending on the date and year set opposite the name thereof:

<u>Name</u>	<u>End of Term</u>
Mr. James C. Bailey	Second Monday of November, 2023

Section 3. All ordinances, resolutions, orders, or parts of any thereof, of the City in conflict, or inconsistent, with any provision of this resolution hereby are, to the extent of such conflict or inconsistency, repealed.

Section 4. This resolution shall take effect immediately.

Duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

SEAL

Attest: \_\_\_\_\_  
City Clerk



**RESOLUTION NO. \_\_\_\_\_**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, THAT THE FOLLOWING 2017 – 2018 HOLIDAYS WILL BE OBSERVED BY ALL CITY PERSONNEL EXCEPT EMERGENCY EMPLOYEES:**

- |                                |          |                                                          |
|--------------------------------|----------|----------------------------------------------------------|
| <b>Veterans Day</b>            | <b>-</b> | <b>Friday, November 10, 2017</b>                         |
| <b>Thanksgiving Holidays</b>   | <b>-</b> | <b>Thursday &amp; Friday, November 23 &amp; 24, 2017</b> |
| <b>1/2 Day Christmas Eve</b>   | <b>-</b> | <b>Friday, December 22, 2017</b>                         |
| <b>Christmas Holidays</b>      | <b>-</b> | <b>Monday &amp; Tuesday, December 25 &amp; 26, 2017</b>  |
| <b>New Year's Day</b>          | <b>-</b> | <b>Monday, January 1, 2018</b>                           |
| <b>Martin Luther King, Jr.</b> | <b>-</b> | <b>Monday, January 15, 2018</b>                          |
| <b>Memorial Day</b>            | <b>-</b> | <b>Monday, May 28, 2018</b>                              |
| <b>Independence Day</b>        | <b>-</b> | <b>Wednesday, July 4, 2018</b>                           |
| <b>Labor Day</b>               | <b>-</b> | <b>Monday, September 3, 2018</b>                         |

**DULY ADOPTED THIS 23RD DAY OF OCTOBER, 2017**

\_\_\_\_\_  
**Karin Wilson, Mayor**

**Attest**

\_\_\_\_\_  
**Lisa A. Hanks, MMC**  
**City Clerk**

Government

Departments

Community

How Do I?

Holiday Calendar & Hours of Operation

- Sheriff's Office
- State/Courts
- Federal

Services

Payments

Maps

Open Baldwin

[home](#) / Commission Holidays

Commission Holidays and Operating Hours

The Baldwin County Commission Citizen Service Center is open Monday – Friday 8:00 AM – 4:30 PM, except the below approved holidays. County Commission offices generally maintain these same hours, however you should contact the Citizen Service Center or the specific office you need to verify their normal operating hours.

All Baldwin County Offices and Departments will be closed the following Holidays per the Baldwin County Commission, Baldwin County Probate Judge and the Baldwin County Revenue Commissioner. Garbage will be picked up as normal except on Thanksgiving Day and Christmas Day. The landfills are also closed on Thanksgiving and Christmas, please check their schedule here.

Veterans Day	Dates: 10 Nov, 2017
Thanksgiving Holidays	Dates: 23 – 24 Nov, 2017
Christmas Holidays	Dates: 25 – 26 Dec, 2017
New Year's Day	Dates: 01 Jan, 2018
Martin Luther King Jr. Day	Dates: 15 Jan, 2018
Fat Tuesday / Mardi Gras	Dates: 13 Feb, 2018
Presidents' Day	Dates: 19 Feb, 2018
Good Friday	Dates: 30 Mar, 2018
National Memorial Day	Dates: 28 May, 2018
Independence Day 4th of July	Dates: 04 Jul, 2018
Labor Day	Dates: 03 Sep, 2018

**RESOLUTION NO. \_\_\_\_\_**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA,** that the City Council approves the selection of Sawgrass Consulting, LLC to perform Professional Land Surveying Services for PS003-18 (Project No. REC001-18) Survey of Fairhope Docks Marina and Boatyard, and hereby authorizes Mayor Karin Wilson to negotiate a fee schedule, and establish a not-to-exceed figure.

DULY ADOPTED THIS 23RD DAY OF OCTOBER, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk





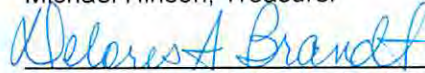
## MEMO

Date: October 18, 2017

Karin Wilson  
Mayor

To: Michael Hinson, Treasurer

From:

  
Delores A Brandt, Purchasing Clerk  
For Daniel P. Ames, Purchasing Manager

*Council Members*

Kevin G. Boone

Robert A. Brown

Jack Burrell, ACMO

Jimmy Conyers

Jay Robinson

Re: **RFQ No. PS003-18, Professional Land Surveying Services for Project no. REC001-18 Fairhope Docks Boatyard**

Lisa A. Hanks, MMC  
City Clerk

Deborah A. Smith, CPA  
City Treasurer

The Recreation Department has requested the hiring of a professional engineering firm for **RFQ No. PS003-18, Professional Land Surveying Services for Project No. REC001-18 Fairhope Docks Boatyard**

Per our Procedure for Procuring Professional Services, Tom Kuhl, Director of Parks and Recreation, and I routed a short list through you, to the Mayor. Under Variants to Procedure, the Mayor exercised option #1, choosing SAWGRASS CONSULTING, LLC.

**Please place on the next available City Council Agenda this request to approve SAWGRASS CONSULTING LLC. of Spanish Fort, AL., to perform surveying services for RFQ No. PS003-18, Professional Land Surveying Services for Project no. REC001-18 Fairhope Docks Boatyard and authorize the Mayor to negotiate a fee schedule.**

Cc: file, T Kuhl

161 North Section Street

P.O. Drawer 429

Fairhope, Alabama 36535

251-928-2136

251-928-6776 Fax

www.fairhopeal.gov

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MEMO

To: Michael Hinson, Treasurer
From: Delores A Brandt, Purchasing Clerk
For Daniel P. Ames, Purchasing Manager

Karin Wilson
Mayor

Date: October 16, 2017

Council Members

Kevin G. Boone

Re: RFQ No. PS003-18, Professional Land Surveying Services for Project No. REC001-18
Fairhope Docks Boatyard

Robert A. Brown

Jack Burrell, ACOMO

Jimmy Conyers

Jay Robinson

The City needs to hire a professional consulting firm for RFQ No. PS003-18, Professional Land Surveying Services for Project No. REC001-18 Fairhope Docks Boatyard. Per our Procedure for Procuring Professional Services for Projects Under \$100K, Tom Kuhl, Director of Parks and Recreation, and I are routing this short list through you, to the Mayor. Please move this procurement of professional services forward to the Mayor for selection of a professional service provider.

Lisa A. Hanks, MMC
City Clerk

Deborah A. Smith, CPA
City Treasurer

The purpose for hiring the company is to perform professional land surveying services for the Fairhope Docks boatyard.

The short list is:

[Mayor, please initial and date your selection]

[Handwritten signature and date 10/17/17]

Sawgrass Consulting, LLC
11143 Old Highway 31
Spanish Fort, AL 36527
251 544-7900

[Blank line for signature and date]

Hargrove Engineers + Constructors
20 South Royal Street
Mobile, AL 36602
251 476-0605

[Blank line for signature and date]

Integrated Science and Engineering Services, Inc.
1290 Main Street Suite C
Daphne, AL 36526
251 210-2544

[Blank line for signature and date]

J Pierce and Associates, LLC
16116 Old Ganey Road
Bay Minette, AL 36507
251 937-6222

[Blank line for signature and date] None. Submit another list

161 North Section Street

P.O. Drawer 429

Fairhope, Alabama 36533

251-928-2136

251-928-6776 Fax

www.fairhopeal.gov

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Cc: file

COPY

**RESOLUTION NO. \_\_\_\_\_**

WHEREAS, the City of Fairhope intends to make application for State matching funds for an airport improvement project for the H. L. Sonny Callahan Airport during fiscal year 2018.

THEREFORE BE IT RESOLVED, by the City of Fairhope as follows:

1. That the City of Fairhope, by and through its Mayor, Council President, or other City Official designated by the City Council, is authorized to make an application for airport improvement funding assistance from the State of Alabama Department of Transportation, for the purpose of undertaking a project in fiscal year 2018 to make improvements at the H. L. Sonny Callahan Airport.
2. That the application shall be submitted for and on behalf of the City of Fairhope, by and through its Mayor, Council President, or other City Official designated by the City Council, who his hereby authorized by this Resolution to sign the application and any related forms or documents on behalf of the City of Fairhope.
3. That the City of Fairhope is authorized to enter into an airport improvement funding agreement with the State of Alabama, acting by and through the Alabama Department of Transportation, for the purpose of undertaking a project to make improvements at the H. L. Sonny Callahan Airport, with a portion of the funding for this airport improvement project to be provided by the State of Alabama.
4. That the agreement be executed in the name of the City of Fairhope for and on behalf of the Fairhope Airport Authority and the City of Fairhope.
5. That the authority of the City of Fairhope to enter into contracts with the State of Alabama has been reviewed by the City of Fairhope attorney, and in his opinion, the City of Fairhope is duly authorized to commit the City of Fairhope to an agreement with the State of Alabama Department of Transportation.
6. That the either the Mayor, the City Council President, or other City Official specially designated by the City Council, shall be authorized to execute the both the application for funding and also the agreement with the State of Alabama Department of Transportation.

BE IT FURTHER RESOLVED, that the City of Fairhope, in reliance upon Resolution No. 427 of the Fairhope Airport Authority, hereby affirms that the local matching share of funds in the amount required for this airport improvement project has been officially approved, placed into the budget of the Fairhope Airport Authority and is available for expenditure by the Fairhope Airport Authority upon execution of the State of Alabama's funding agreement and the start of the project.



I, the undersigned qualified and acting as the City Clerk of the City of Fairhope, Alabama do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City of Fairhope named therein, at a regular meeting of such body held on the 23rd day of October 2017, and that such resolution is on file in the office of the City of Fairhope.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Fairhope on this 23rd day of October, 2017.

CITY OF FAIRHOPE

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Lisa Hanks, MMC  
City Clerk

RESOLUTION NUMBER 427

WHEREAS, the City of Fairhope intends to apply for State matching funds for an airport improvement project for the H. L. Sonny Callahan Airport during fiscal year 2018; and

WHEREAS, the Fairhope Airport Authority, and not the City of Fairhope, shall be responsible for setting aside and appropriating the matching portion of the funds for the airport improvement project for the H. L. Sonny Callahan Airport during fiscal year 2018;

THEREFORE BE IT RESOLVED, by the Fairhope Airport Authority as follows:

1. That in support of the airport improvement project for the H. L. Sonny Callahan Airport during fiscal year 2018, the Fairhope Airport Authority does hereby set aside and appropriate sufficient funds to cover the entire matching portion required by the United States Federal Aviation Administration and the State of Alabama Department of Transportation for the said airport improvement project.
2. That should any portion of any grant application or any grant agreement require the approval of the Fairhope Airport Authority, then the Fairhope Airport Authority does hereby authorize its Board Chairman to execute any and all such applications, agreements, or other documents which shall be required for the airport improvement project for the H. L. Sonny Callahan Airport during fiscal year 2018.

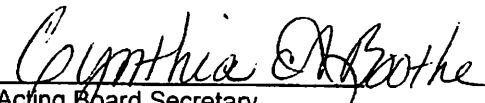
I, the undersigned qualified and acting as the Board Chairman of the Fairhope Airport Authority do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the Fairhope Airport Authority at a regular meeting of such body held on the October 17, 2017, and that such resolution is on file in records of the Fairhope Airport Authority.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Fairhope Airport Authority on this 17th day of October, 2017.

FAIRHOPE AIRPORT AUTHORITY

  
\_\_\_\_\_  
JOE MCENERNEY, Board Chairman

ATTEST:

  
\_\_\_\_\_  
Acting Board Secretary

RESOLUTION NO. \_\_\_\_\_

**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City of Fairhope hereby approves and adopts the Franchise Agreement for granting franchises to install, maintain and operate a business on the City's public rights-of-ways or public property as presented and a copy is on file in the Office of the City Clerk; and that Resolution No. 2124-13 is hereby repealed.

DULY ADOPTED THIS 23RD DAY OF OCTOBER, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

ATTEST:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk



**RESOLUTION NO. 2124-13**

**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City of Fairhope hereby approves and adopts the Franchise Agreement for granting franchises to install, maintain and operate a business on the City's public rights-of-ways or public property as presented and a copy is on file in the Office of the City Clerk..

DULY ADOPTED THIS 23RD DAY OF SEPTEMBER, 2013

---

Timothy M. Kant, Mayor

ATTEST:

---

Lisa A. Hanks, MMC  
City Clerk

## FRANCHISE AGREEMENT

This Agreement is made and entered into by and between the City of Fairhope, Alabama ("City") a municipal corporation and \_\_\_\_\_, ("Grantee").

### RECITALS

Grantee is a sole proprietor with a principal place of business at \_\_\_\_\_, Fairhope, AL 36532. Grantee is engaged in the business of \_\_\_\_\_ to the public. Grantee proposes to install and operate \_\_\_\_\_ at the \_\_\_\_\_. Grantee requests that the City grant to Grantee a franchise to install, maintain and operate this business on public property at the \_\_\_\_\_.

In consideration of the mutual covenants, promises and conditions set forth herein the parties agree as follows:

### SECTION 1

#### **Section 1.1 DEFINITIONS**

Unless otherwise specially provided, or unless clearly required by the context, the words and phrases defined in this section shall have the following meanings when used in this Ordinance and Franchise Agreement:

- (1) **MAYOR:** Shall mean the Mayor of the City of Fairhope
- (2) **COUNCIL:** Shall mean the City Council of Fairhope, the governing body of City of Fairhope, Alabama.
- (3) **CITY:** Shall mean City of Fairhope, Alabama, which is governed by the Fairhope City Council.
- (4) **FRANCHISE:** Shall mean the franchise granted under the provisions of the *Ala. Code §11-40-1*, et seq., which authorizes municipalities to contract and to be contracted with. A "franchise" as used in this agreement is a special privilege not belonging to the citizens by common right but conferred by a municipality upon an individual or corporation.
- (5) **GRANTEE:** Shall mean \_\_\_\_\_ to whom a franchise has been granted by the City or anyone who succeeds \_\_\_\_\_, in accordance with the provisions of the franchise.
- (6) **GROSS REVENUES:** Shall mean all revenues received by the Grantee from or in connection with the operation of the franchise to provide services in the City of Fairhope pursuant to this franchise agreement.

(7) **PERSON:** Shall mean an individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

(8) **SERVICE AREA:** Shall mean the geographical area within City of Fairhope and specifically defined as follows: \_\_\_\_\_.

## **Section 1.2 REQUIREMENTS FOR FRANCHISE**

(a) No person shall engage in the construction, operation, or maintenance of a private business on public property in the City unless such person or the person for whom such action is being taken shall hold a valid franchise granted by the City.

(b) Any franchise granted by the City pursuant to these rules and regulations shall not be deemed to be an exclusive right of permission. The City expressly reserves the right to grant similar nonexclusive franchises to other persons.

(c) In the event the City enters into a franchise, permit, license, authorization, or other agreement of any kind with any other person or entity other than the Grantee to enter into the City's Public Rights-of-way or public property for the purpose of operating a private business on public property in any part of the City, the material provisions thereof shall be reasonably comparable to those contained herein, in order that one operator not be granted an unfair competitive advantage over another, and to provide all parties equal protection under the law.

(d) No franchise shall be granted by the City in the Central Business District located in downtown Fairhope.

(e) No franchise shall be granted by the City to any food vendor who does not show proof of ServSafe certification.

(f) No franchise shall be granted by the City to any vendor requiring a running water supply for personal sanitary purposes and/or for cleaning equipment used in the preparation of his/her product unless water supply is provided and metered by the City.

(g) Food franchises shall meet all Alabama Health Department regulations and show proof thereof.

(h) No franchise shall be granted by the City to any vendor who has electrical requirements without securing metered power from the City or, if applicable, having a generator to supply the power required; generator shall meet City of Fairhope noise ordinances.

## **Section 1.3 TERM OF FRANCHISE, RENEWAL**

(a) The duration of this franchise agreement granted pursuant to this Ordinance shall be for one year and shall be renewed automatically each year for three years unless notice of termination is given in writing to the other party at least 60 days prior to the expiration of the then current term. This Agreement shall commence 10 days after approved by the City Council.



## **Section 1.4 ENFORCEMENT OF FRANCHISE**

(a) A Grantee shall not be excused from complying with any of the terms or conditions of the franchise by any failure of the City upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions.

(b) Whenever the City shall set forth any time for any action to be performed by or on behalf of Grantee, said time shall be deemed of the essence and any failure of Grantee to perform within the time allotted shall be sufficient grounds for the City to revoke the franchise.

(c) A Grantee agrees by filing an application for a franchise that they will not assert, at any time, in any claim or proceeding that any condition or term of the franchise is unreasonable, arbitrary or void or that the City had no power or authority to make such term or conditions, but shall be required to accept the validity of the terms and conditions of the franchise in their entirety.

## **Section 1.5 CONFLICT WITH LAWS**

(a) Whenever any law of the State of Alabama or of the United States, or of any agency of either, shall be in direct conflict with and supersede any provision of these rules and regulations, then for so long as such state or federal law or regulation shall be in force and effect, any affected provisions of this franchise granted hereunder shall be suspended and be of no force and effect and the Grantee shall not be required to comply with such provision; however, the validity of the remaining portions or provisions shall not be affected thereby. In the event this franchise imposes burdens different than those imposed by any other law, but within the power of the City to impose said burdens, the more restrictive provision shall apply.

(b) If any section, sentence, clause or phrase of these rules and regulations or of any franchise granted hereunder is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remaining portion of these rules and regulations or a of any franchise granted hereunder.

## **SECTION 2**

### **Section 2.1 PROCEDURE FOR GRANTING FRANCHISE**

(a) Any person desiring a franchise shall apply to the City for such a grant. The application for a franchise shall be in writing, in the form approved by and containing such information as required by the City and must be accompanied by a nonrefundable application fee of \$150.00 by cashier's check, certified check or money order payable to City of Fairhope. This is a separate fee from the Franchise fee.

(b) Upon receipt of said franchise application, the City shall provide notice of said application and conduct a public hearing to determine if the grant of the franchise would be in the best interest of the citizens of City of Fairhope.

(c) The application shall contain a statement under oath that the applicant will comply with all legal, financial and technical provisions of these rules and regulations and any other municipal, state or federal regulatory agencies.

(d) The application shall define the proposed service area of the applicant with specific time standards for the establishment of service to suit the service area.

### **SECTION 3**

#### **Section 3.1 CONSTRUCTION AND INSTALLATION**

(a) After receipt of an initial franchise, a Grantee shall proceed with due diligence to install and begin operation of the franchise.

(b) Failure on the part of the Grantee to commence and diligently pursue \_\_\_\_\_ or failure to commence operation after 90 days from the commencement of this agreement shall be grounds for termination of the franchise. The City may extend the time for the commencement and completion of \_\_\_\_\_ for additional periods in the event the Grantee, acting in good faith, experiences delays by reasons of circumstances beyond her control.

(d) The \_\_\_\_\_ shall be constructed and operated in accordance with all adopted City, state and national construction and electrical codes.

#### **Section 3.2 CONDITIONS FOR USE OF PUBLIC PROPERTY**

(a) Grantee shall not install or begin operation of the franchise business until the installation has been approved by the Mayor or his designee.

#### **Section 3.3 OPERATION AND MAINTENANCE**

(a) The Grantee shall install and maintain \_\_\_\_\_ in a prudent and reasonable manner.

(b) Failures or malfunctions of the \_\_\_\_\_ shall be corrected by the Grantee promptly after notice of such failure or malfunction except or unless such failure or malfunction shall have been caused by storm, fire, lightning, explosion, civil unrest or other similar catastrophe.

(c) The City shall, if it deems it necessary, have the right and privilege to inspect the installation, operation and maintenance of the \_\_\_\_\_ by the Grantee in order to satisfy itself as to the proper performance of the terms of this franchise agreement.

### **SECTION 4**

#### **Section 4.1 FRANCHISE FEE**

(a) There shall be a franchise fee of twenty (20) percent of Gross Revenues; and the fee for the business license which is an annual license issued by the

municipality for the privilege of doing any kind of business, trade, profession or other activity in the municipality, by whatever name called.

(b) Grantee shall pay quarterly to the City during the life of the franchise a sum equal to twenty (20) percent of its gross revenues. Grantee shall file with the City on such form as prescribed by the City within sixty (60) days after the end of each quarterly a report, under oath at the risk of perjury, of the gross revenues for the preceding quarterly period, and shall, at the same time, pay to the City a sum equal to twenty (20) percent of the gross revenues for the said quarterly period.

#### **Section 4.2 INDEMNIFICATIONS**

(a) Grantee shall at his/her sole cost and expense fully indemnify, defend and save harmless the City, its officers, boards, and employees against any and all claims, demands, suits, actions, liability and judgments for damage arising out of the construction, operation and maintenance of the \_\_\_\_\_ franchise, and against all liabilities for damages by reason of, or arising out of, any failure by Grantee to safely operate and maintain the \_\_\_\_\_, including reasonable attorney's fees, arising out of the exercise or enjoyment of this franchise, irrespective of the amount of comprehensive liability policy required hereunder. This indemnity shall not apply to damages occasioned solely and exclusively by acts of the City, its agents or employees.

(b) Within thirty (30) days after the granting of the franchise and at all times during the term of the franchise, Grantee shall obtain, pay all premiums for, and file with the City executed duplicate copies and receipts evidencing the payment of premiums for the following:

A general comprehensive public liability insurance policy indemnifying, defending and saving harmless the City, its officers, boards, agents or employees from any and all claims by any person whatsoever on account of injury to or death of a person or persons occasioned by the operations of the Grantee under franchise herein granted or alleged to have been so caused with a minimum of liability of \_\_\_\_\_ for personal injury or death of any two or more persons in any one occurrence. Renewal certificates of such insurance shall be promptly forwarded to the City as such renewals are made, and such insurance shall be kept in force and effect during the term of this grant or franchise. The Grantee and/or the insurance company shall file with the City a written notice of any material alteration or cancellation of any insurance coverage at least thirty (30) days prior to the effective date of such alteration or cancellation. Property damage insurance indemnifying, defending and saving harmless the City, its officers, boards, agents, and employees from and against all claims by any person whatsoever for property damage occasioned by the operation of a Grantee under franchise granted by City caused with a minimum liability of \_\_\_\_\_ for property damage to two or more persons in any one occurrence. Said policies of insurance shall name the City as an additional insured.



(c) All of the foregoing insurance certificates shall be in form satisfactory to the City and shall be issued and maintained by companies authorized to do business in the State of Alabama and acceptable to the City and they shall require thirty (30) days written notice of any cancellation or reduction in coverage to both the City and Grantee herein, and a copy of said certificates shall be filed with the City.

#### **Section 4.3 BOOKS/RECORDS OF GRANTEE**

(a) All books and records of a Grantee concerning its operations within the City necessary for the enforcement of the provisions of this franchise, shall be made available for inspection and audit upon demand by the City within thirty (30) days after any request for such inspection or audit has been made.

#### **Section 4.4 GRANTEE ACKNOWLEDGEMENT**

(a) Grantee is an independent contractor. No agency or employment relationship is created by this Franchise Agreement.

### **SECTION 5**

#### **Section 5.1 SALE OR LEASE OF FRANCHISE**

(a) No transfer or control of the \_\_\_\_\_, whether by force or voluntary sale, lease, assignment, foreclosure, attachment, merger, or any other form of disposition, shall occur or be considered valid without first giving prior notice and receiving the approval of the City. The notice shall include full identifying particulars of the proposed transaction. For the purpose of determining whether it shall consent to such change, transfer, or acquisition of control, the City may inquire into the qualification of the prospective controlling party and the Grantee shall assist the City in any such inquiry. The City shall have one 60 days from the date the notice is received by the City within which to approve or disapprove, by resolution, the proposed transfer of control. The City will not unreasonably withhold its approval.

(b) Approval of such transfer shall be expressly conditioned upon full compliance with the material terms of the franchise agreement and this Ordinance. The transferee shall agree in writing to comply with all provisions of this Ordinance and the franchise agreement.

#### **Section 5.2 REVOCATON OF FRANCHISE**

(1) Subject to the provisions of this section, the City reserves the right to revoke, at any time, any franchise granted hereunder and rescind all rights and privileges associated therewith in the event that:

(a) Grantee has not substantially complied with a material provision of this Ordinance, the franchise agreement, or of any supplemental written agreement entered into by an between the City and the Grantee; or

(b) Grantee has made a material false statement in the application for the franchise, knowing it to be false, or Grantee commits a fraud in its conduct or relations under the franchise with the City; or

(c) Grantee becomes insolvent, enters into receivership or liquidation, files for bankruptcy or assignment for benefits of creditors, or is unable to pay its debts as they mature, unless the Grantee is in due process of contesting such debts; or

(d) Grantee fails to substantially comply with a material provision of any federal or state statute, or of any material rules or regulations that govern telecommunications; or

(e) Grantee exhibits a pattern of failing to comply with service standards as adopted herein or in the franchise agreement; or

(f) Grantee fails to comply with any federal or state judgment arising directly from the exercise of Grantee's rights under its franchise; or

(g) Grantee fails to provide or maintain in full force and effect the bond and insurance policies required by this Ordinance and franchise agreement; or

(h) Grantee assigns, sells or transfers its title or interest in its franchise without the consent of the City.

(2) In the event that the City shall make a preliminary decision to revoke a franchise granted hereunder, it shall give the Grantee a minimum of thirty days written notice of its intention to terminate and stipulate cause. A public hearing shall be scheduled for the end of said 30 day period. If during said period, the cause shall be cured to the satisfaction of the City, the City shall declare the notice to be null and void. If the cause is not cured to the satisfaction of the City, before a franchise may be terminated, the Grantee must be provided with an opportunity to be heard before the City in a public hearing in accordance with due process procedures. After the public hearing, if the City, by majority vote, determines that the franchise should be terminated, it shall issue a written decision containing its findings of fact and stating the specific grounds for termination. The decision to terminate a franchise shall be subject to judicial review as provided by law.

(3) A Grantee shall not be declared in default or be subject to any sanction under any provision of this Ordinance and franchise agreement in any case where the City determines that the action justifying such sanction is without the Grantee's knowledge or authorization or outside its control.

### **Section 5.3 RIGHTS UPON REVOCATION OR NON-RENEWAL**

In the event the City determines that a franchise should not be renewed at its expiration or that a franchise should be revoked for cause as permitted hereunder, the Grantee shall be allowed three months from the date of such determination, or such longer period as the City may permit, to negotiate the sale of its

\_\_\_\_\_ within the City to another provider at a price acceptable to the Grantee, provided that such sale shall be approved by the City pursuant to Section 5 herein. In the event a sale to a provider acceptable to the City is not then negotiated within the time allowed, then an independent expert shall be appointed to determine the fair market value of the Grantee's \_\_\_\_\_. The appointment of said expert shall be by mutual agreement between the City and the Grantee; provided, however, that if the City and the Grantee are unable to reach an agreement within 30 days of the written decision of termination, then the matter of appointing an expert shall be submitted, within ten (10) days immediately following expiration of the former 30 days, to the American Arbitration Association [unless the City and the Grantee mutually agree upon some other arbitrator(s)], and the expert designated by the American Arbitration Association or such other arbitrators shall be appointed. The cost of employing the arbitrator or arbitrators and the cost of arbitration, if required, shall be borne equally by the Grantee and the City. Upon determination of the fair market value of the Grantee's \_\_\_\_\_ by the appointed independent expert, the Grantee shall be required to sell its \_\_\_\_\_ to any entity which offers said fair market value and which has obtained the approval of the City to purchase said \_\_\_\_\_.

**Section 5.4 REMOVAL AND ABANDONMENT OF PROPERTY**

(a) If the use of any part of Grantee's \_\_\_\_\_ is discontinued for any reason for a continuous period of twelve (12) months, or if such \_\_\_\_\_ does not comply with the requirements of these rules and regulations, or if Grantee's franchise is terminated or revoked the City may in its discretion require that said \_\_\_\_\_ be sold to a franchise designated by the City at a purchase price equal to the \_\_\_\_\_ fair market value as determined in subsection (b) hereof.

(b) Any dispute between the City and the Grantee over determination of the system's fair market value shall be determined in accordance with Section 5.3 above.

**Section 5.5 MISCELLEOUS PROVISIONS**

(a) This agreement constitutes the entire agreement of the parties and supersedes any and all agreements, understandings, statements or representations either oral or in writing. This agreement can be amended only by a written document signed by the parties.

(b) This agreement shall be enforced and interpreted pursuant to the laws of the State of Alabama.

IN WITNESS WHEREOF, the Parties have hereunto set their respective signatures and seals on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

THE CITY OF FAIRHOPE, ALABAMA



By: \_\_\_\_\_  
Karin Wilson, Mayor

Attest: \_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

By: \_\_\_\_\_  
\_\_\_\_\_, Grantee

RESOLUTION NO. \_\_\_\_\_

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Karin Wilson is hereby authorized to execute a contract with Christian Preus Landscape Architecture, LLC to perform Professional Architectural Services for MPO Downtown Traffic, Pedestrian Safety and Wayfinding Signage and Parking Study (RFQ No. PS039-17), with a not to exceed \$30,000.00.

The total Project cost is \$30,000.00 through MPO Planning funds:  
Federal match not to exceed \$24,000.00 and a local match of \$6,000.00.

DULY ADOPTED THIS 23RD DAY OF OCTOBER, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

# City of Fairhope Project Funding Request

OCT 11 11:26 AM

Issuing Date 10/3/2017

Please return this Routing Sheet to Treasurer by

10/9/2017

Project Name: <u>Award contract for professional consulting services for MPO Downtown Traffic</u>	PS039-17
---------------------------------------------------------------------------------------------------	----------

Project Location: City Hall

Presented to City Council: 10/23/2017      Approved \_\_\_\_\_ Changed \_\_\_\_\_ Rejected \_\_\_\_\_

Project Cash Requirement Submitted for Approval:      Cost: \$30,000.00 Not to exceed

Providers: Christian Preus Landscape Architecture, LLC

Project Engineer: n/a

Order Date: \_\_\_\_\_ Lead Time: n/a

Department Funding This Project							
General XX	Gas	Electric	Water	Sewer	Gas Tax	Cap, Proj.	Impact

Division of General Fund Funding This Project						
Admin-10 XX	Police-15	Fire-20	Rec-25	Adult Rec-30	Street-35	Sanitation-40
	Golf-50	Golf Grounds-55		Debt Service-85		

Expense Code: <u>001-10-50290</u>	Revenue Code _____
-----------------------------------	--------------------

Project will be: Expensed xx  
Capitalized \_\_\_\_\_

Project Financed By:  
Grant: \$24,000.00 Federal - not to exceed amount  
State  
City

Project Budgeted: \_\_\_\_\_

(Over) Under budget amount: \_\_\_\_\_

Bond: \_\_\_\_\_ Title \_\_\_\_\_ Year \_\_\_\_\_  
Loan: \_\_\_\_\_ Title \_\_\_\_\_ Year \_\_\_\_\_  
Capital Lease: \_\_\_\_\_ Payment \_\_\_\_\_ Term \_\_\_\_\_

Funding: Operating funds - 20% match

City Council prior approval	<u>9/11/2017</u>	Request approved by City Treasurer	<u>10/3/2017</u> <i>Dr Johnson</i>
Request received by City Treasurer	<u>10/2/2017</u>	Request approved by Finance Director	<i>[Signature]</i>
Received by Finance Department	<u>10/5/17</u>	Request approved by Mayor	<i>[Signature]</i>
Received by Mayor	<u>10/3/17</u>		

Contact Person: Sherry-Lea Bloodworth Botop





## MEMO

Karin Wilson  
Mayor

*Council Members*

Kevin G. Boone

Robert A. Brown

Jack Burrell, A.C.M.O.

Jimmy Conyers

Jay Robinson

Lisa A. Hanks, MMC  
City Clerk

Deborah A. Smith, CPA  
City Treasurer

To: Michael Hinson, Treasurer  
From: Delores A Brandt  
Delores A Brandt, Purchasing Clerk  
For Daniel P. Ames, Purchasing Manager

Date: October 2, 2017

Re: Approval of Contract award of RFQ No. PS039-17 Prof  
Consulting Serv for MPO Downtown Traffic, Pedestrian Safety  
and Wayfinding Signage and Parking Study

The City needs to hire a professional consulting firm for of RFQ No. **PS039-17 Professional Consulting Services for MPO Downtown Traffic, Pedestrian Safety and Wayfinding Signage, and Parking Study.**

In a previous Resolution of September 11, 2017, City Council approved the selection of **Christian Preus Landscape Architecture, LLC**, and authorized Mayor Karin Wilson to negotiate a fee schedule, and a NTE limit. Please move this request forward to the City Council to authorize the Mayor to execute the associated Contract, as the fee schedule has been presented by the consultant at a "not to exceed" amount of **\$30,000**. See Attached Fee Schedule.

City of Fairhope requested MPO Planning funds 2017 of \$30,000 with federal funds not to exceed \$24,000 and a minimum match of \$6000 to be paid by the City, see MPO Resolution 2017-10 and City of Fairhope Resolution 2804-17, dated July 10, 2017, attached.

**Please place on the next available City Council Agenda this request to authorize the Mayor to execute a Contract with Christian Preus Landscape Architecture, LLC, of Fairhope, AL, for RFQ No. PS039-17 Professional Consulting Services for MPO Downtown Traffic, Pedestrian Safety and Wayfinding Signage, and Parking Study for \$30,000.**

Cc: file

161 North Section Street

P.O. Drawer 429

Fairhope, Alabama 36535

251-928-2136

251-928-6776 Fax

www.fairhopeal.gov

Printed on recycled paper

10 July 2017

**RESOLUTION NO. 2804-17****A RESOLUTION OF THE FAIRHOPE CITY COUNCIL TO  
CONTRIBUTE TO THE TWENTY (20%) LOCAL MATCH REQUIREMENT  
FUNDING A DOWNTOWN TRAFFIC, PEDESTRIAN SAFETY AND  
WAYFINDING SIGNAGE AND PARKING STUDY**

**WHEREAS**, the City of Fairhope is a member of the Eastern Shore Metropolitan Planning Organization (MPO) and desires to hire a consultant to complete a traffic diversion and calming, wayfinding signage, and parking study; and

**WHEREAS**, Federal law requires a twenty percent (20%) local match for projects utilizing Federal funds; and

**WHEREAS**, the estimated total Project cost is \$30,000.00; and

**WHEREAS**, the estimated local match for the Project is \$6,000.00; and

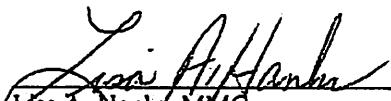
**WHEREAS**, the MPO requires a resolution from sponsoring local governments committing the sponsoring governments to providing the 20% local match for Project funds as set forth above.

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE**, that the City Council request the Eastern Shore Metropolitan Planning Organization to fund the Project to hire a consultant to complete a traffic diversion and calming, wayfinding signage, and parking study and commits to provide the required local match of \$6,000.00; and authorizes Mayor Karin Wilson to execute the necessary documents for this project.

ADOPTED THIS 10TH DAY OF JULY, 2017

  
\_\_\_\_\_  
Karin Wilson, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Lisa A. Nanks, MMC  
City Clerk

**RESOLUTION NO. 2858-17**

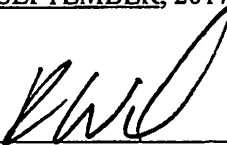
**WHEREAS**, on the 14th day of August, 2017, the City of Fairhope adopted Resolution No. 2831-17; a resolution to approve the selection of Mott MacDonald, LLC to perform Professional Engineering Services for MPO Downtown Traffic, Pedestrian Safety and Wayfinding Signage and Parking Study (RFQ No. PS039-17); and hereby authorizes Mayor Karin Wilson to negotiate a fee schedule, and establish a not-to-exceed limit with this firm; and

**WHEREAS**, prior to negotiation of a fee schedule, and establishing a not-to-exceed limit with this firm, it was determined that it to be in the best interest of the City to rescind Resolution No. 2831-17.

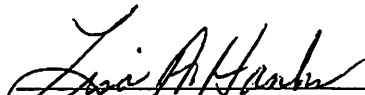
**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Resolution No. 2831-17 is hereby rescinded; relating to the MPO Downtown Traffic, Pedestrian Safety and Wayfinding Signage and Parking Study (RFQ No. PS039-17).

**BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council approves the selection of Christian Preus Landscape Architecture, LLC to perform Professional Architectural Services for MPO Downtown Traffic, Pedestrian Safety and Wayfinding Signage and Parking Study (RFQ No. PS039-17), and hereby authorizes Mayor Karin Wilson to negotiate a fee schedule, and establish a not-to-exceed limit with this firm.

DULY ADOPTED THIS 11TH DAY OF SEPTEMBER, 2017

  
\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

# CHRISTIANPREUS

Landscape Architecture

Mailing:  
307 De La Mare Avenue  
Fairhope, AL 36532

1011 Desoto Street  
Ocean Springs, MS 39564

T : 855.539.5086  
M : 228.547.8586  
F : 855.539.5086

christianpreus.com

September 29, 2017

Ms. Sherry-Lea Bloodworth Botop  
(via email: sherrylea@fairhopeal.gov)

Re: Downtown Wayfinding – Fairhope, AL

Dear Sherry-Lea:

Thank you for considering Christian Preus Landscape Architecture, PLLC (CPLA) for the services outlined below for the downtown wayfinding project in Fairhope, Alabama.

**ITEM I: DOWNTOWN WAYFINDING PLANNING & DESIGN**

**Fee:** LUMP SUM - \$30,000

CPLA will develop an integrated approach to pedestrian safety for downtown Fairhope by studying traffic patterns, pedestrian space, crosswalks and directional and wayfinding signage. The resulting plan will provide a comprehensive and coordinated approach to optimizing the use and availability of existing parking supply in meeting current and future demand, reducing parking demand through increased walkability and transit opportunities and identifying pedestrian and vehicle conflicts and methods and approaches to mitigate such conflicts.

**Deliverables:** Wayfinding Plan & Report  
Implementation Plan & Drawings

**TERMS**

Work on this project will commence promptly upon receipt of the initial payment along with the signed Letter of Agreement. Progress billings will be submitted regularly throughout the term of the project. Invoices are expected to be paid within forty-five (45) calendar days of the invoice date. If an invoice is not paid within (60) days, work on the project will stop until all past due balances and progress billings are paid in full.



The landscape architect is not responsible for the means and methods or appropriateness of the installation procedures undertaken by any contractor and not responsible for job safety. The landscape architect is not responsible for the location of any underground utilities or pipes, or any cracking in concrete, wood or other materials. The landscape architect is not responsible for cost overruns, foundation or drainage problems, or other complications related to the topographical elevation changes dictated by the design of the building or structures on the property. Client will hold harmless and indemnify the landscape architect and associates against all claims of bodily injury, property damage, and death. No extrinsic evidence, oral or written may be introduced to alter terms expressed herein no matter the cause or genesis.

#### **ADDITIONAL SERVICES**

Additional services consist of professional services provided which are not described specifically above but are mutually agreed upon between the Client and the Landscape Architect. Additional Services will be performed at the appropriate hourly rate, with estimates of time requirements first presented to you for approval.

Sherry-Lea, we are grateful to be considered for this project. Please let me know if you need any additional information to assist you at this time.

Sincerely,

CHRISTIAN PREUS LANDSCAPE ARCHITECTURE, PLLC



09-29-2017

---

BY : Christian H. Preus, ASLA

Date

---

Client

Date

RESOLUTION NO. \_\_\_\_\_

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, as follows:

[1] That the City of Fairhope, by and through Operations Director Richard Peterson, Project Engineer, did request, receive, and open bids for Painting of Two Million Gallon Water Tower 2017 for the Water Department.

[2] At the appointed time and place, the following bids were opened and tabulated as follows:

Please see attached Bid Tabulation for  
Painting of Two Million Gallon Water Tower  
for the Water Department

[3] After evaluating the bid proposals with the required bid specifications, the City Council hereby awards to the lowest responsible bidder, who was compliant to bid specification criteria, the contract for Painting of Two Million Gallon Water Tower for the Water Department.

DULY ADOPTED THIS 23RD DAY OF OCTOBER, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

Attest:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk



					Item 1			Item 2 (sum of unit price items 1-8)						
	Mandatory Pre-Bid Attendance Signature	BID BOND	Addenda 1,2,3	Bid Response forms Executed / Signed / Notarized	Paint Two (2) million gallon	Allowance of \$20,000 for cellular antenna work	Total Bid for Item 1 Including Allowance						Total Bid for Item 2 (Sum of items 1-6)	Total Bid (Sum of Bid Items 1 & 2)
								ITEMS	UNITS	QUANTITY	UNIT PRICE	TOTAL PRICE		
Utility Service Co., Inc.	YES	YES	1,2,3	YES	\$ 897,900.00	\$ 20,000.00	\$917,900.00	Pit Repair by Welding Rods	Each	100	\$ 18.00	\$ 1,800.00	\$55,500.00	\$973,400.00
								Pit Repair by Epoxy Filler	Each	100	\$ 12.00	\$ 1,200.00		
								Replace Tank Ladder	Lin Ft	80	\$ 82.25	\$ 6,580.00		
								Cable (Add at Tank Riser)	Lin Ft	80	\$ 21.50	\$ 1,720.00		
								Treat Exterior of Tank for Chlorides (If required)	Lump Sum	1		\$ 10,900.00		
								Treat Interior (Dry) Surfaces for Chlorides (If required)	Lump Sum	1		\$ 8,400.00		
								Treat Interior (Wet) Surfaces for Chlorides (If required)	Lump Sum	1		\$ 7,300.00		
								Bypass Drain Line	Lump Sum	1		\$ 17,600.00		
								Item 2 (sum of unit price items 1-8)						
					Item 1			Item 2 (sum of unit price items 1-8)						
	Mandatory Pre-Bid Attendance Signature	BID BOND	Addenda 1,2,3	Bid Response forms Executed / Signed / Notarized	Paint Two (2) million gallon	Allowance of \$20,000 for cellular antenna work	Total Bid for Item 1 Including Allowance						Total Bid for Item 2 (Sum of items 1-6)	Total Bid (Sum of Bid Items 1 & 2)
								ITEMS	UNITS	QUANTITY	UNIT PRICE	TOTAL PRICE		
Classic Protective Coatings	YES	YES	1,2,3	YES	\$ 947,500.00	\$ 20,000.00	\$967,500.00	Pit Repair by Welding Rods	Each	100	\$ 20.00	\$ 2,000.00	\$47,200.00	\$1,014,700.00
								Pit Repair by Epoxy Filler	Each	100	\$ 10.00	\$ 1,000.00		
								Replace Tank Ladder	Lin Ft	80	\$ 125.00	\$ 10,000.00		
								Add/Replace Safety Climb Cable (Add at Tank Riser)	Lin Ft	80	\$ 40.00	\$ 3,200.00		
								Treat Exterior of Tank for Chlorides (If required)	Lump Sum	1		\$ 9,000.00		
								Treat Interior (Dry) Surfaces for Chlorides (If required)	Lump Sum	1		\$ 8,100.00		
								Treat Interior (Wet) Surfaces for Chlorides (If required)	Lump Sum	1		\$ 8,900.00		
								Bypass Drain Line	Sum	1		\$ 5,000.00		
								Item 2 (sum of unit price items 1-8)						
					Item 1			Item 2 (sum of unit price items 1-8)						
	Mandatory Pre-Bid Attendance Signature	BID BOND	Addenda 1,2,3	Bid Response forms Executed / Signed / Notarized	Paint Two (2) million gallon	Allowance of \$20,000 for cellular antenna work	Total Bid for Item 1 Including Allowance						Total Bid for Item 2 (Sum of items 1-6)	Total Bid (Sum of Bid Items 1 & 2)
								ITEMS	UNITS	QUANTITY	UNIT PRICE	TOTAL PRICE		
Worldwide Industries Corp	YES	YES	1,2,3	YES	\$ 1,229,000.00	\$ 20,000.00	\$1,249,000.00	Pit Repair by Welding Rods	Each	100	\$ 20.00	\$ 2,000.00	\$82,910.00	\$1,331,910.00
								Pit Repair by Epoxy Filler	Each	100	\$ 20.00	\$ 2,000.00		
								Replace Tank Ladder	Lin Ft	80	\$ 200.00	\$ 16,000.00		
								Add/Replace Safety Climb Cable (Add at Tank Riser)	Lin Ft	80	\$ 40.00	\$ 3,200.00		
								Treat Exterior of Tank for Chlorides (If required)	Lump Sum	1		\$ 14,600.00		
								Treat Interior (Dry) Surfaces for Chlorides (If required)	Lump Sum	1		\$ 24,100.00		
								Treat Interior (Wet) Surfaces for Chlorides (If required)	Lump Sum	1		\$ 19,610.00		
								Bypass Drain Line	Lump Sum	1		\$ 1,400.00		



				Item 1			Item 2 (sum of unit price Items 1-8)				Total Bid for Item 2 (Sum of items 1-6)	Total Bid (Sum of Bid Items 1 & 2)		
Mandatory Pre-Bid Attendance Signature	BID BOND	Addenda 1,2,3	Bid Response forms Executed / Signed / Notarized	Paint Two (2) million gallon	Allowance of \$20,000 for cellular antenna work	Total Bid for Item 1 including Allowance								
							ITEMS	UNITS	QUANTITY	UNIT PRICE	TOTAL PRICE			
TANK PRO Inc.	no	YES	1,2,3	yes	\$ 868,973.00	\$ 20,000.00	\$888,973.00	Pit Repair by Welding Rods	Each	100	\$ 15.00	\$ 1,500.00	\$22,500.00	\$911,473.00
								Pit Repair by Epoxy Filler	Each	100	\$ 10.00	\$ 1,000.00		
								Replace Tank Ladder	Lin Ft	80	\$ 56.25	\$ 4,500.00		
								Add/Replace Safety Climb Cable (Add at Tank Riser)	Lin Ft	80	\$ 16.25	\$ 1,300.00		
								Treat Exterior of Tank for Chlorides (if required)	Lump Sum	1		\$ 6,000.00		
								Treat Interior (Dry) Surfaces for Chlorides (if required)	Lump Sum	1		\$ 100.00		
								Treat Interior (Wet) Surfaces for Chlorides (if required)	Lump Sum	1		\$ 100.00		
								Bypass Drain Line	Lump Sum	1		\$ 8,000.00		

Recommendation: Award Bid to \_\_\_\_\_ in the amounts listed in their Bid Response for a total bid of \$ \_\_\_\_\_



Richard Peterson, P.E.  
Director of Operations and EOR

10/19/2017

To my knowledge thi is an accurate Bid Tabulation

\_\_\_\_\_  
Clint Steadham, Buyer  
for Daniel P Ames, Purchasing Manager

NOTE: RECOMMENDATION  
FORTH COMING.

**MANDATORY  
PRE-QUOTE MEETING ATTENDANCE ROSTER  
CITY OF FAIRHOPE, AL**

**MEETING DATE:** 09/28/2017, 9:00 Thursday

**BID 002-17 Painting of TWO Million Gallon Water Tower**

**PRINT VERY CLEARLY!!! IF YOUR INFORMATION IS NOT READABLE, YOU WILL NOT RECEIVE EMAILS.**

REP'S NAME	COMPANY	PHONE	EMAIL
Richard Peterson	City of Fairhope	251-928-8003	Richard.Peterson@Fairhope.com
Eric Reed	TMI Coatings	651-452-6100	tmi@tmi-coatings.com
Doug Brandt	utility service inc	504-222-2222	BidDepartment.utilityserviceinc.com
Ed Chapman	Chapman Technical Services		ed@chap-ts.com
Julio Ruiz	American Suncoast Co	937 313 1915	lisa@suncoast.com
Robert Cranshaw	INERAC	205-427-3200	rcranshaw@inerac.com
Raymond Koren	Worldwide	224 283 9845	RNEROK@aol.com
JOE WOLCHINA	CITY OF FAIRHOPE	251-928-8003	joe.wolchina@FAIRHOPE AL.GOV.
Curtis Cooper Jr.	City of Fairhope	251-331-2510	Curtis.Cooper@cofairhope.com
Jason R L H A B	Classic Protective Coatings	251-251-2510	

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, the City Council adopted on June 8, 2015 Resolution No. 2369-15 to provide the local match for the estimated cost between \$200,000.00 and \$300,000.00 available Federal funding through the Eastern Shore Metropolitan Planning Organization (“MPO”) for transit projects; a transit shelter in downtown Fairhope (“Project”); and

**WHEREAS**, the City of Fairhope (“City”) has learned that the Federal funding available for transit projects is now \$600,000.00; and

**WHEREAS**, the local match for the Project is now \$120,000.00; and

**WHEREAS**, the MPO requires a resolution from a sponsoring local government committing to provide the 20% local match for Project funds;

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE**, that the City Council agrees to contribute the required twenty percent (20%) local match for the Downtown Fairhope Transit Shelter (Project) amounting to \$120,000.00 of the total project cost of \$600,000.00.

ADOPTED THIS 23RD DAY OF OCTOBER, 2017

\_\_\_\_\_  
Karin Wilson, Mayor

ATTEST:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

**RESOLUTION NO. 2369-15**

**WHEREAS**, the City of Fairhope (“City”) is a member of the Eastern Shore Metropolitan Planning Organization (MPO), and

**WHEREAS**, federal funding is available through the MPO for transit projects; and

**WHEREAS**, federal law requires a twenty percent (20%) local match for projects utilizing said federal funds; and

**WHEREAS**, City desires to construct a transit shelter in downtown Fairhope (hereinafter “Project”); and

**WHEREAS**, the estimated total Project cost is between \$200,000 and \$300,000; and

**WHEREAS**, the estimated local match for the Project is between \$40,000 and \$60,000; and

**WHEREAS**, the MPO requires a resolution from a sponsoring local government committing the sponsoring government to providing the 20% local match for project funds;

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE**, that the City Council request the Eastern Shore Metropolitan Planning Organization to fund the Downtown Fairhope Transit Shelter and commits to provide the local match for said project amounting to twenty percent (20%) of the total project cost.

ADOPTED THIS 8TH DAY OF JUNE, 2015

\_\_\_\_\_  
Timothy M. Kant, Mayor

ATTEST:

\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk



City of Fairhope

Approval for Special Event Request

9 | 15 | 17

Date complete application submitted to Rental Facilities Department

OCT 11 '17 AM 8:06

*JAH*

City Sponsored Event

Non City Sponsored Event

Event: Fairhope Vol. Fire Dept. 2nd Annual BBQ cook-off

Person Requesting: Joey Leavitt

Date of Event: Sat., April 7th 6a.m. - midnight

Location: Equality St. from Bancroft to section; Bancroft St. between Magnolia & PINE

Please attach all supporting documentation.

Approval:

Joseph W. Pettin Date: 10-09-2017  
Police Chief/Designee

Estimated security cost for event \$ 1,600 (off-duty) see attached

Keith E. King Date: 9/25/17  
Director of Public Works/Designee

Estimated cost for city services \$ 600.00  
ESTIMATED COST OF RENTAL + FACILITIES \$ 1000.00 (CIVIC Center/Streets)

Disapproval:

\_\_\_\_\_  
Police Chief Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Director of Public Works/Designee

Route back to rental facilities department for application package finalization

NOTES: pending insurance (IT) one month out

Once signatures are obtained, please forward to the City Clerk's office to go before council.

10/10/17 MS.

File to Clerks office



*Fairhope*

OCT 11 '17 AM 8:06  
VOLUNTEER FIRE DEPARTMENT

P.O. BOX 626 • FAIRHOPE, ALABAMA 36533 • PHONE (251) 990-0143

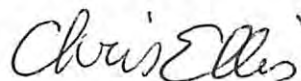
September 15, 2017

To whom it may concern,


The Fairhope Volunteer Fire Department is planning the 2nd annual BBQ Cook-Off (Smoke'm If You Got Em) Fundraiser. We are requesting that we be allowed to close the following streets: Equality St between North Section St to Bancroft St and a section of Bancroft St between Magnolia St to ~~PINE~~ St on April 7, 2018. We would like to request that any fees associated with holding this fundraiser be waived. The services that we are requesting from the city are as followed: Barricades, Electric Junction Boxes, Water, Trash and Recycling bins, Trash Truck, AC Restroom Trailer, 2 Light towers, Police, and several of the city tail gate tents. We would also like to ask for permission to sell alcohol during the road closure time. We plan on closing the street Saturday April 7th at 6:00 AM to Sunday April 8 at 12:00AM. We would also like to ask you to waive the noise ordinance for one hour to allow music from 12 South Band from 9PM to 11PM.

The Fairhope Volunteer Fire Department also requests permission to utilize the Fairhope Civic Center as a rain location for the same dates and times as above with all fees waived and security will be needed at this location. Thank you for your consideration.

Respectfully,



Chris Ellis  
Fire Chief



Joey Leavitt  
Committee Chairman

**APPLICATION FOR USE OF THE CITY OF FAIRHOPE SIDEWALKS AND/OR STREETS**

We the undersigned hereby apply for the use of certain sidewalks and/or streets within the City of Fairhope and in connection with said application, furnish the following:

- 1. Which street and/or sidewalk do you wish to use? Equality St + Bancroft between Pine St + Magnolia A
- 2. Date Requested: 4/2/18 Hours requested from: 6:00 am to 12:00 Am
- 3. Renter's Name: Fairhope Vol. Fire Dept. / Joey Leavitt  
 Address: 198 S Ingleside Dr  
 City: Fairhope State: AL Zip: 36532  
 Phone Numbers: 251-379-1924
- 4. Purpose of Use: Fund raiser
- 5. Number of persons expected to attend (adults and minors): 800
- 6. Will there be alcohol on the premises during the event? Yes If requested, the Fairhope City Council may allow alcoholic beverages. If alcohol is allowed, the user must adhere to all rules of the Alabama Beverage Control Board and its permitting process. All permits required must be submitted to the City of Fairhope Police Chief at least 12 weeks prior to the event.
- 7. Describe any decorations, tents, sound equipment, staging, port-o-lets, etc.: BBQ cook-off with stage & band Rental Company: \_\_\_\_\_
- 8. Will you need electricity?  Yes  No For: \_\_\_\_\_  
 Will you need water?  Yes  No For: \_\_\_\_\_

**INDEMNITY AND HOLD HARMLESS AGREEMENT**

In consideration of the permission granted to me by the City of Fairhope to use the sidewalks and/or streets; I hereby indemnify and hold harmless the City of Fairhope, its agents, servants and employees from any and all claims and causes of action that may arise from injury to me or third parties using the sidewalks and/or streets who are injured or suffer property damage that is in any way caused by my use of the sidewalks and/or streets. This indemnity and hold harmless agreement is given to the City of Fairhope to protect the City and its agents, servants and employees from cost of defense and claims for injuries and damages that may be caused either directly or indirectly by my use of the sidewalks and/or streets.

**CLEANING AND CANCELLATION POLICIES**

- a.) At the conclusion of the event, the area will be inspected by a representative of the City. If the user has not cleaned up the park and restored it to its original condition, the City will clean up the park and charge the user for the services.
- b.) All cancellations and/or date changes must be in writing and signed by the same person who signed the application and paid the rental fees, and must be given to the Site Manager not less than 30 days prior to the event. No fee refunds will be made for cancellations made less than 30 days prior to the event.

Fee refunds will be made by check, and delivered by mail, less the cost of City services, as assessed by the appropriate City staff for cleaning, or a 20% handling charge for cancellations.

We the undersigned have read and understand the **Indemnity Agreement**, as well as all rules and regulations contained in City Ordinance No. **1576** as set forth by the governing body of the City of Fairhope, and will abide by these rules and regulations, which include but are not limited to the **Cancellation and Cleaning** policies. We also understand that if, at any time, the City-appointed Law Enforcement Personnel feel that said rules and regulations are not being followed, the function will be terminated.

Renter's Signature: Joey Leavitt Date: 8/23/17  
City Personnel: Johnnie [Signature] Fees Paid: \_\_\_\_\_ Date: 8/25/17 Ck. #: \_\_\_\_\_

-Office Use Only-

Application Signed/Dated \_\_\_\_\_ Permit/Deposit Fees \_\_\_\_\_ Entered in Calendar \_\_\_\_\_

# APPLICATION FOR USE OF FAIRHOPE CIVIC CENTER

Fairhope Civic Center, P.O. Drawer 429, Fairhope Al. 36532 (251) 990-0130 (251) 929-1479 (251) 929-1467 Fax

We, the undersigned, hereby apply for the use of certain facilities at the Fairhope Civic Center and, in connection with said application, furnish the following:

1. We wish to use:  Main Auditorium  Lobby  Council Chambers  Delchamps Suite
2. Date requested: April 7, 2018 Hours: from 6:00 am to 1:00 am
3. Renters Name: Fairhope Vol. Fire Department Phone (H): 251-379-1924  
Billing Address: 198 S. Ingleside Dr Phone (W): \_\_\_\_\_  
City: Fairhope State: AL Zip: 36532 Phone (C): \_\_\_\_\_  
Person to Contact: Joey Leavitt Phone: \_\_\_\_\_
4. Approximate number of persons expected (Adults & Minors): 800
5. Purpose of use: Fundraiser
6. Describe any equipment to be used: tables, chairs, stage, outside parking area
6. Will there be any alcohol on the premises? Yes If so, security must be provided by the FHPD. If cash bar is used or alcohol is sold, renter/caterer must show proof of proper ABC licensure. All bartenders must be licensed.

## CANCELLATION POLICY

Any and all cancellations and/or date changes must be in writing and signed by the same person who signed the application and paid the rental fees and must be given to the Banquet Manager not less than 30 days prior to the event. Fee refunds will be made, by check, less a \$10.00 or 20% handling charge, whichever is larger and will be delivered by mail. No fee refunds will be made for cancellations made within 30 days of the event.

## INDEMNITY AND HOLD HARMLESS AGREEMENT

In consideration of the permission granted to me by the City of Fairhope to use the City of Fairhope Civic Center, I hereby indemnify and hold harmless the City of Fairhope, its agents, servants and employees from any and all claims and causes of action that may arise from injury to me or third parties using the facilities at the Fairhope Civic Center who are injured or suffer property damage that is in any way caused by my use of the Fairhope Civic Center. This indemnity and hold harmless agreement is given to the City of Fairhope to protect the City and its agents, servants and employees from cost of defense and claims for injuries and damages that may be caused either directly or indirectly by my use of the Fairhope Civic center.

## RENTAL AGREEMENT

I further stipulate that I have read and understand all the rules and regulations as set forth by the governing body of the City of Fairhope for the use of this facility, and will abide by same; and acknowledge that if any required chaperons or law enforcement personnel are not present, the event will be terminated.

I have read and agree to the above policies, including the cancellation and indemnity agreements.

Renter's Signature: Joey Leavitt Date: 7/19/17  
Fees paid: \$ \_\_\_\_\_ Check No.: \_\_\_\_\_ Date: 8/1/17 City Personnel: Michael Stone

Application  Cancellation Policy  Indemnity  Office Use Only  Deposit \_\_\_\_\_ Entered in Calendar



# CITY OF FAIRHOPE PARK AND/OR STREET USAGE CHECKLIST

ALL INFORMATION AND DOCUMENTATION REGARDING YOUR EVENT MUST BE SUBMITTED TO  
THE CITY OF FAIRHOPE AT LEAST 12 WEEKS PRIOR TO YOUR EVENT  
ANY DOCUMENTATION THAT IS SUBMITTED LESS THAN 12 WEEKS WILL NOT BE ACCEPTED

- 1. Application, Cancellation Policy, Indemnity/Hold Harmless Agreement completed, signed, and dated.
- 2. A copy of the letter to the City Council if you are making any special requests which include but are not limited to street closing, permission to have alcohol, law enforcement personnel, barricades, and other event details.
- 3. Route/Map of Special Event [Emergency Vehicle (i.e. police, fire, etc.) access must be provided]

Estimated Law Enforcement/Personnel Cost: \$ \_\_\_\_\_

- 4. NON-PROFIT ORGANIZATIONS: Proof of nonprofit status (IRS letterhead)
- 5. Proof of liability insurance for event naming the City of Fairhope as certificate holder with date of event requested.
- 6. For Street Closings within the Central Business District, signatures from 75% businesses/residences and notification to 100% of the businesses/residences within 300 feet of the location of event. (12 weeks prior to event)
- 7. For Street Closings outside the Central Business District, signatures from adjacent businesses within 300 feet of event (12 weeks prior to event) and notification of all businesses/residents along race route (30 days prior to event).

on file from '16   
pending

- 8. For South Park Events, signatures from:  
 Shuck's Restaurant: \_\_\_\_\_ Date: \_\_\_\_\_  
 Down by the Bay Cafe: \_\_\_\_\_ Date: \_\_\_\_\_

- 9. Event details (Items, including the ones listed below, must be removed immediately following event and park/street cleaned and restored to original condition. (If not, additional fees will be incurred.)
  - Law Enforcement Personnel Provided by: Fairhope
  - Barricades Provided by: Fairhope
  - Staging Provided by: \_\_\_\_\_
  - Tents Provided by: Rental company
  - Port-o-lets provided by: Rental Company
  - Special transportation needs provided by: \_\_\_\_\_
  - Special electrical needs: Fairhope

- 10. AGENDA DATE TO MEET WITH CITY COUNCIL (if required): \_\_\_\_\_

*Office use only*

Street closing approved  
  Alcohol approved  
  ABC License if selling alcohol  
  Park/Street permit fees paid

# Fire Department BBQ Cook-Off

## Proposed Schedule

- 6a.m. Streets Close
- 8a.m. Move-In
- 3p.m. Gates Open
- 3-7p.m. Cook-Off
- 7p.m. Band Starts
- 10p.m. Band Ends
- 11p.m. Streets Open

## Security:

- (3) Officers 6a.m.-2p.m.
- (4) Officers 2p.m.-11p.m.

52 hours total

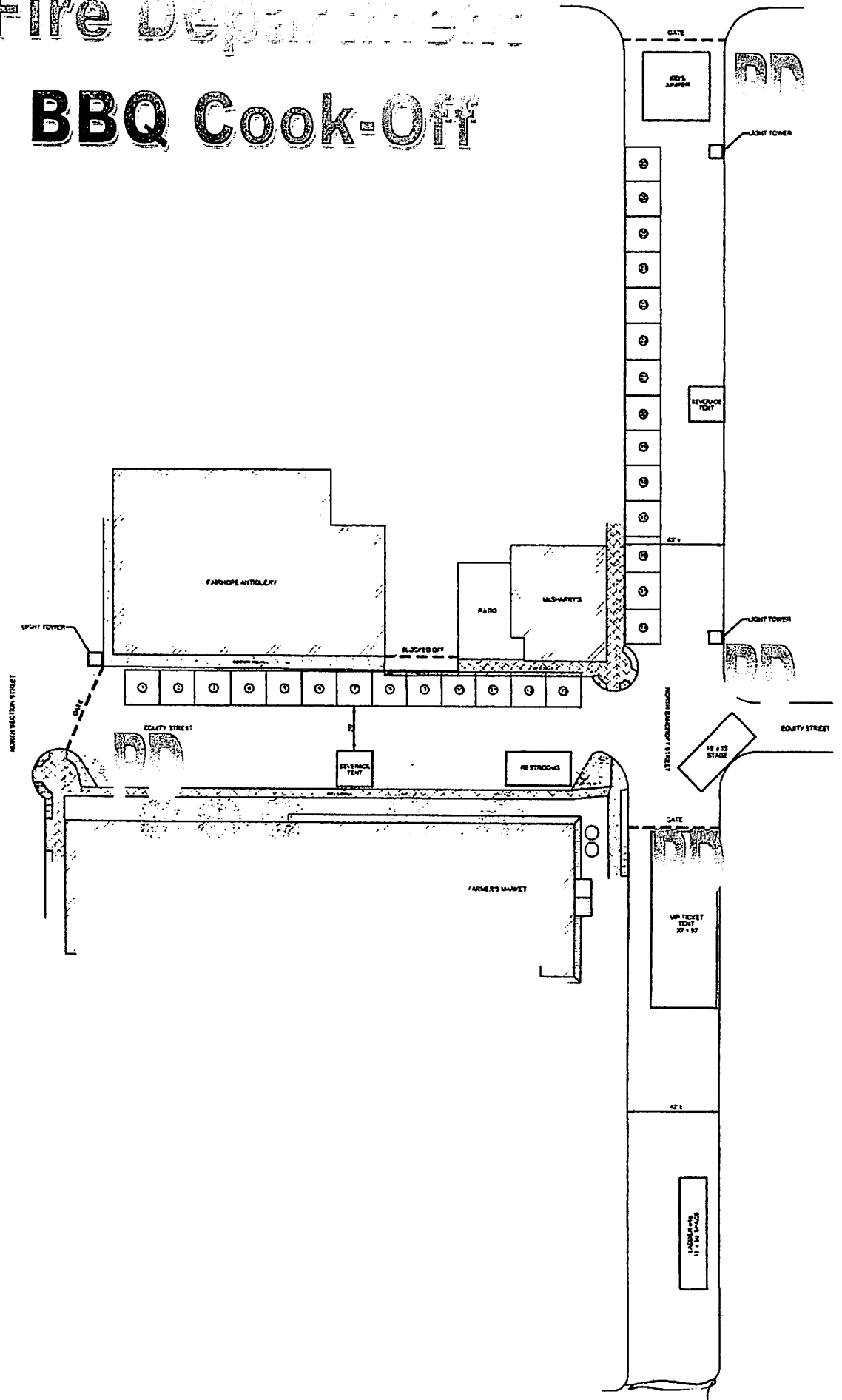
@ \$30 per hour

\$1,560

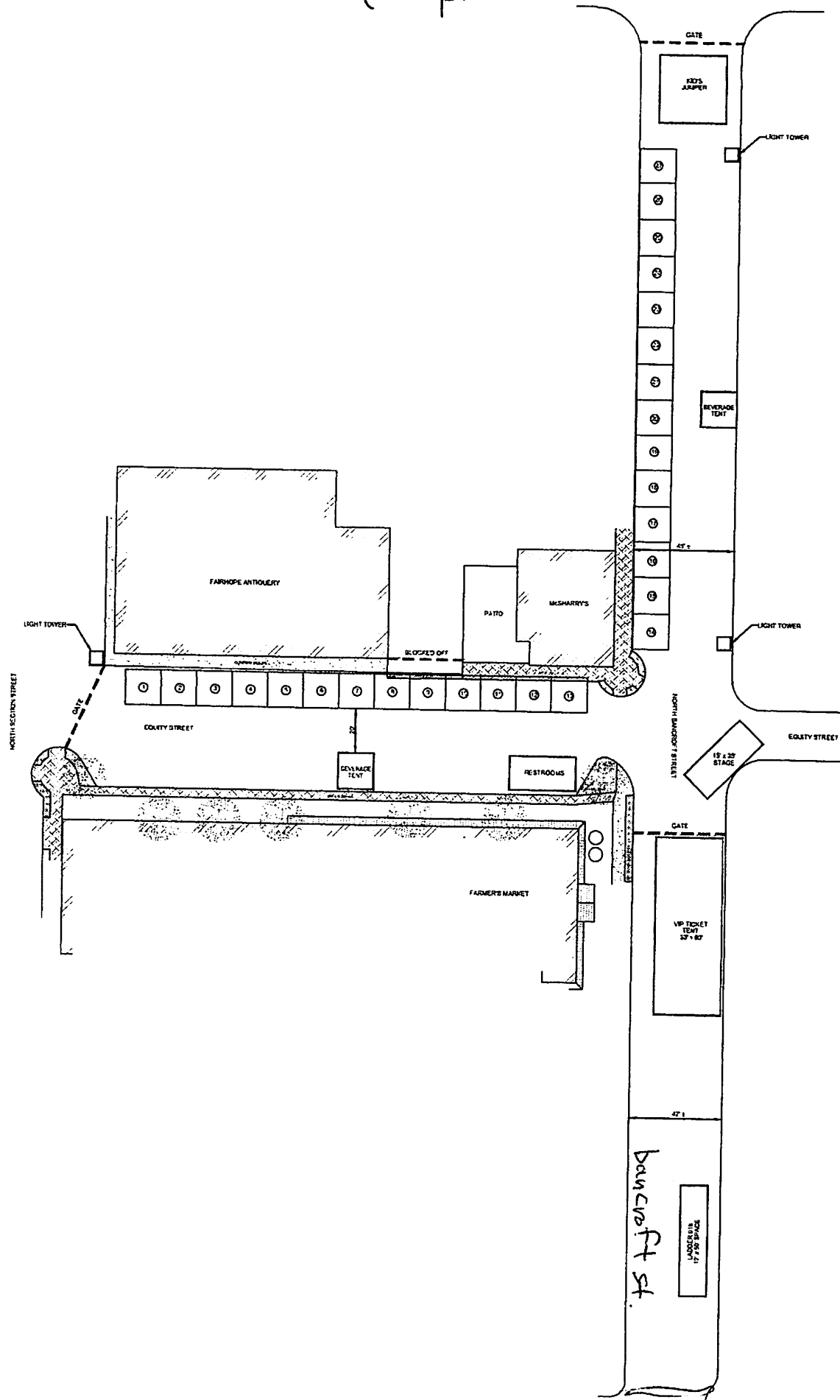
Please pay officers individually the day of the event by check or cash

## Recommendations:

- Vendor Passes for move-in and move-out
- Increase lighting
- Publicize when "cook-off" portion ends



← pine →



← magnolia →

DATE: \_\_\_\_\_

# SIGNATURES of BUSINESSES & RESIDENCES

Date of Street Closing: 4/7/18

Times: 6:00am - 12:00am

Type of Event: BBQ Cook-off

Street(s) to be closed: Equality st & Bancroft from Pine st to Magnolia Ave

INSIDE CBD: Signatures of approval from 75% of biz/res whose store fronts are directly affected by street to be closed (12 weeks prior) AND Notification to 100% of bus/res within 300 ft. of the event (30 days prior)\*

OUTSIDE CBD: Signatures of 75% of businesses and residences within 300 ft. of street to be closed (12 weeks prior), AND notification to 100% of bus/res along the street to be closed (30 days prior)\*

\*NOTIFICATIONS MUST BE GIVEN VIA U.S. MAIL, E-MAIL, OR DOOR-TO-DOOR, 4 WEEKS BEFORE TO YOUR EVENT.

ALL SIGNATURES ARE DUE NO LATER THAN 12 WEEKS PRIOR TO EVENT DATE.

Gina 251 367 4119

NAME	ADDRESS	PHONE	SIGNATURE
Zachary Martinez	100 N Section	251-946-7997	
Christina Miller	102 N Section	251 929 2525	
Tamara's Green Groves	103 N Section		
Jason Will Real Estate	154 N. Section St.	251-929-4444	
THE BARNES FLEM BARNWANT	151 N. BANCROFT 170 N Barnes	251-219-4777 251-232-9659	
Southern Veranda	105 N Bancroft	251 928 4433	
Bayside Regenerative Med	100 N. Bancroft, Ste A2	251-517-1050	
Skin So Perfect	" " "	251-990-9246	
Joni Rowiz	68 N Bancroft	251-210-6400	
Jennifer Jeffis	451 Magnolia	251- <del>577-5330</del> 928-9500	
MA	50 N. Section St.	251-929-3030	
Jessica Cooper	36 N Section St	251 990 7600	
Shelly Henonk	54 N Section St	251.929.2450	

Person(s) responsible for collecting and authenticating above signatures: Name JL  
Phone \_\_\_\_\_



