

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, 13 November 2017.

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

There being a quorum present, Council President Pro Tempore Robinson called the meeting to order. The invocation was given by Assistant Pastor Andrew Lehman of Redeemer Lutheran Church and the Pledge of Allegiance was recited. Councilmember Conyers moved to approve minutes of the minutes of 23 October 2017, regular meeting; minutes of the minutes of 23 October 2017, work session; and minutes of the minutes of 23 October 2017, agenda meeting. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

Mayor Wilson addressed the City Council regarding the following items:

- 1) Fairhope High School Band given a Certificate of Appreciation for their achievement at The Heart of Dixie Band Competition;
- 2) Attended the Kauffman Foundation's annual Mayors Conference on Entrepreneurship which brings mayors, entrepreneurs, entrepreneurship experts together to discuss ways to promote startup activity and encourage higher levels of entrepreneurship in their cities;
- 3) Pioneering Fairhope businesswoman, Bessie Klumpp Montgomery, passed away Saturday. She was best known for founding the Fairhope Quarter and Town & Country Shops;
- 4) 12 Days of Christmas Banners will be retired and replaced with art work by school children, the Rotary Youth Club, and individuals from Shepherd's Place;
- 5) Thursday will be the Lighting of the Trees beginning at 5:30 p.m.;
- 6) New equipment will be installed in Downtown Fairhope for WiFi by our IT Department;
- 7) Thanked Lance Cabaniss for his work in HVAC, Fairhope Docks, and the seawall repair. He also helped with the fuel tanks removal and replacement;
- 8) Helped with the Fairhope Rotary Pancake breakfast; and
- 9) Attended the Veterans Day Sunset Prayer Program and thanked all the Veterans.

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The following individuals spoke during Public Participation on Agenda Items:

- 1) T J Murphy, 204 Tensaw Avenue, addressed the City Council on Agenda Items Number 9 and Number 10: Final adoption of an Ordinance requesting 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) and Final adoption of an Ordinance requesting to rezone the property of Robert and Debra Green from R-1 Low Density Single Family Residential District to B-2 General Business District. He said our visionary founders had a plan which made Fairhope a unique vibrant community that we live in. He said these same features that made Fairhope also present challenges; and one of these is growth. Mr. Murphy stated the Comprehensive Plan calls for these two properties to be residential; and plead for the Council to manage growth. He said we need to develop and follow a plan that continues our founders' legacy.

Councilmember Conyers said the Fairhope Environmental Advisory Board's meeting focused on communication. He thanked our Community Affairs Director Sherry-Lea Botop for giving an update at the meeting. He said the FEAB wants to follow-up on the Fly Creek monitoring by Mobile Bay Keepers.

Councilmember Brown thanked the City employees who set up for the Veterans Day parade. He also thanked the local schools and other Veterans programs. Councilmember Brown commented that Greeno Road is one of the biggest issues facing Fairhope and it will be commercial.

Councilmember Boone thanked the Fairhope Pirate Football Team and Coach Carter for making it to the playoffs. He said you all did a fine job this year.

Council President Pro Tempore Robinson also thanked everyone who helped with the Veterans Day parade. He mentioned the following events: Tree Lighting on Thursday, Outdoor Movie on Saturday, 58th Annual Downtown Fairhope's Open House on Sunday, Downtown Fairhope Celebrates Plaid Friday, Small Business Saturday in Downtown Fairhope, and helped serve at the Rotary Pancake Breakfast. He recognized the Cub Scout Den from Pack 47, known as the Thunder Hawks, who were in the audience. Council President Pro Tempore Robinson announced the Fairhope Christmas Parade being held on the first Friday in December.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Conyers introduced in writing an ordinance to zone the property of Todd Roberts to R-2 Medium Density Single Family Residential District concurrent with annexation. This property is generally located at 19870 County Road 13, known as Parcel B, Fairhope, Alabama. Tax PPIN: 235434.

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The Planning Commission gave a favorable recommendation of this ordinance. Council President Pro Tempore Robinson read the proposed ordinance.

Planning Director Wayne Dyess briefly explained the proposed ordinance.

Council President Pro Tempore Robinson opened the Public Hearing at 6:24 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:25 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the November 27, 2017 City Council meeting.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Conyers introduced in writing, an ordinance to rezone the property of Sweetwater Investments, LLC from R-2 Medium Density Single Family Residential District to B-4 Business and Professional District. This property is generally located at 20040 State Highway 181, Fairhope, Alabama. Tax PPIN: 77292. The Planning Commission gave a favorable recommendation of this ordinance. Council President Pro Tempore Robinson read the proposed ordinance.

Planning Director Wayne Dyess briefly explained the proposed ordinance.

Council President Pro Tempore Robinson opened the Public Hearing at 6:26 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:26 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the November 27, 2017 City Council meeting.

A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Conyers introduced in writing, an ordinance to amend Article IX, Section C. Definitions - Building Height: The vertical distance measured from the average natural elevation of the lot to the mean point of the roof of the building. The Planning Commission gave a favorable recommendation of this ordinance. Council President Pro Tempore Robinson read the proposed ordinance.

Planning Director Wayne Dyess briefly explained the proposed ordinance. He said this will be more pleasing architecturally and is very common.

Council President Pro Tempore Robinson opened the Public Hearing at 6:30 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:30 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the November 27, 2017 City Council meeting.

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A Public Hearing was held as advertised on a proposed ordinance to amend Zoning Ordinance No. 1253. Councilmember Conyers introduced in writing, an ordinance to amend Article V, Section B. Central Business District Overlay Proposed Expansion. The Planning Commission gave a favorable recommendation of this ordinance. Council President Pro Tempore Robinson read the proposed ordinance.

Planning Director Wayne Dyess briefly explained the proposed ordinance in detail. He said we will delay residential parking and want to encourage more mixed use. Council President Pro Tempore Robinson opened the Public Hearing at 6:35 p.m.

- 1) Mac McCawley, 10 Wood Grove Circle, addressed the City Council and requested that the study be done first. He said parking in downtown is an issue; and it is the City's responsibility to provide parking.

Mayor Wilson explained the reason for recommending mixed use. Mr. Dyess stated that the parking garage is not utilized right now; but the study will clearly mark parking through the way-finding program. The Public Hearing closed at 6:41 p.m.

Council President Pro Tempore Robinson said that any business in Central Business District ("CBD") does not have parking and we must have a traffic study. He said the new area defined in the map as "CBD" still have a traffic study for demand on use.

Due to lack of a motion for immediate consideration, this ordinance will layover until the November 27, 2017 City Council meeting.

Councilmember Conyers commented that the property of CDA, LLC and Carrigan Properties, LLC is residential. He said the reality is that it is zoned residential and is not going to be; and a PUD is a better suited use. Mr. Dyess said that North Greeno Road is the issue and we need to develop a plan for Greeno Road. Council President Pro Tempore Robinson said he is a rule follower by nature; and we need to find something with a little wiggle room. He said we are stuck with a dilemma and stuck with the law or we can use common sense. Councilmember Brown commented there are two properties North of this property that are zoned PUD; and the City has more control with a PUD.

Councilmember Brown moved for final adoption of Ordinance No. 1604 an ordinance 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. (Introduced at the October 23, 2017 City Council Meeting). Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE – Robinson, Conyers, Brown, and Boone. NAY - None.

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Planning Director Wayne Dyess explained the proposed rezone of the property of Robert and Debra Green and commented it is only 2.8 acres which is not enough for a PUD. Council President Pro Tempore Robinson stated this was discussed at the Planning Commission meeting and the last City Council meeting. Attorney Daniel Blackburn addressed the City Council on behalf of Mr. and Mrs. Green. He stated that they have agreed to exclude gas station, automotive repair facility or a dry cleaning business from the uses for B-2 General Business District. Mr. Blackburn stated that due to a recent Alabama Supreme Court ruling this will have to be tabled tonight and re-advertised for a new public hearing with the amended ordinance. Council President Pro Tempore Robinson mentioned the ordinance would be brought back in a couple of weeks after being published. City Clerk Lisa Hanks stated that the ordinance would have to be advertised for two consecutive weeks; and the public hearing could not be scheduled until at least 15 days after the last publication pursuant to State law.

Councilmember Conyers moved to table Agenda Item Number 10: an ordinance to rezone the property of Robert and Debra Green from R-1 Low Density Single Family Residential District to B-2 General Business District until all publications have been met and new public hearing scheduled. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution accepting the public streets, public right-of-ways, and all of Fairhope's public utilities located in public right-of-ways within Old Battles Village, Phase Two, for maintenance subject to the bond posted; and authorizes Mayor Karin Wilson to execute the Maintenance and Guaranty Agreements between the City of Fairhope and Truland Homes, LLC. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 2916-17

WHEREAS, the Owners of Old Battles Village, Phase Two desire to have all public streets and public right-of-ways dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2597-A, and all Fairhope public utilities located in public right-of-ways accepted for maintenance by the City of Fairhope, Alabama, and;

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

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

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WHEREAS, the City of Fairhope, Alabama, has received from the owners of Old Battles Village, Phase Two, maintenance bonds for the public improvements constructed for a period of 2 years, and;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA that the public improvements indicated herein for Old Battles Village, Phase Two are hereby accepted for public maintenance subject to the bond posted; and authorizes Mayor Karin Wilson to execute the Maintenance and Guaranty Agreement between the City of Fairhope and Truland Homes, LLC (the "Subdivider").

BE IT FURTHER RESOLVED this resolution of acceptance shall not obligate the City of Fairhope to maintain any utility or drainage facilities outside the limits of the right-of-way of the public streets, whether or not such may be located within dedicated easements in any of these developments.

Adopted, this 13th day of November, 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 accepting the public streets, public right-of-ways, and all of Fairhope's public utilities located in public right-of-ways within Phase 2 of Silverleaf at Firethorne for maintenance subject to the bond posted; and authorizes Mayor Karin Wilson to execute the Maintenance and Guaranty Agreements between the City of Fairhope and Firethorne Development, LLC. Seconded by Councilmember Boone, motion passed unanimously by voice vote.

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RESOLUTION NO. 2917-17

WHEREAS, the Owners of Phase 2 of Silverleaf at Firethorne desire to have all public streets and public right-of-ways dedicated on the plat filed for record in the Probate Records of Baldwin County, Alabama, on Slide 2597-E, and all Fairhope public utilities located in public right-of-ways accepted for maintenance by the City of Fairhope, Alabama, and;

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

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

WHEREAS, the City of Fairhope, Alabama, has received from the owners of Phase 2 of Silverleaf at Firethorne, maintenance bonds for the public improvements constructed for a period of 2 years, and;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA that the public improvements indicated herein for Phase 2 of Silverleaf at Firethorne are hereby accepted for public maintenance subject to the bond posted; and authorizes Mayor Karin Wilson to execute the Maintenance and Guaranty Agreement between the City of Fairhope and Firethorne Development, LLC (the "Subdivider").

BE IT FURTHER RESOLVED this resolution of acceptance shall not obligate the City of Fairhope to maintain any utility or drainage facilities outside the limits of the right-of-way of the public streets, whether or not such may be located within dedicated easements in any of these developments.

Adopted, this 13th day of November, 2017



Karin Wilson, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

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Council President Pro Tempore Robinson read the following resolution: a resolution that the City Council authorizes Mayor Karin Wilson to temporary fill the position of Special Events Coordinator at a pay grade of 20 with a salary not to exceed the minimum of that grade; and to allow the temporary employee to work up to 40 hours per each week which does not include benefits as long as the employee does not work over the 90 days or until Special Events Coordinator returns to work plus seven (7) working days.

Councilmembers Conyers and Boone questioned the part-time to full-time and thought this had already been done. Community Affairs Director Botop said that this was for a different position; the other one was for the Nix Center. Council President Pro Tempore Robinson also questioned the position, and said a lot that goes into it, and will have a big learning curve. He said we have seen a pattern with temporary fill-ins and would like to see more cross-training of employees. Mayor Wilson commented the other alternative is to not have these services. She said we cannot afford not having someone through fall and Mardi Gras.

After further discussion, Councilmember Brown introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council authorizes Mayor Karin Wilson to temporary fill the position of Special Events Coordinator at a pay grade of 20 with a salary not to exceed the minimum of that grade; and to allow the temporary employee to work up to 40 hours per each week which does not include benefits as long as the employee does not work over the 90 days or until Special Events Coordinator returns to work plus seven (7) working days. Seconded by Councilmember Conyers, motion passed by the following voice votes: AYE – Robinson, Conyers, and Brown. NAY - Boone.

RESOLUTION NO. 2918-17

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council authorizes Mayor Karin Wilson to temporarily fill the position of Special Events Coordinator at a pay grade of 20 with a salary not to exceed the minimum of that grade; and to allow the temporary employee to work up to 40 hours per each week which does not include benefits as long as the employee does not work over the 90 days or until Special Events Coordinator returns to work plus seven (7) working days.

ADOPTED THIS 13TH DAY OF NOVEMBER, 2017



Karin Wilson, Mayor

ATTEST:



Lisa A. Hanks, MMC
City Clerk

13 November 2017

Councilmember Boone introduced in writing, and moved for the adoption of the following resolution, a resolution that the Budget for the fiscal year ending September 30, 2017 be extended through December 18, 2017 to allow the invoices and expenditures to continue as needed. Seconded by Councilmember Conyers, motion passed unanimously by voice vote.

RESOLUTION NO. 2919-17

WHEREAS, the Budget for the fiscal year ending September 30, 2018 has not been adopted by the City Council; and

WHEREAS, Resolution No. 2881-17 was adopted on September 25, 2017 to allow invoices and expenditures to continue as needed through November 15, 2017; and

WHEREAS, the City invoices need to continue being paid on a weekly basis, in order to take advantage of any available discounts, and to more nearly match the outflow of cash to the receipt of revenue from the three utility billing cycles.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that the Budget for the fiscal year ending September 30, 2017 be extended through December 18, 2017 to allow the invoices and expenditures to continue as needed.

Adopted on this 13th day of November 2017



 Karin Wilson, Mayor

Attest:



 Lisa A. Hanks, MMC
 City Clerk

Council President Pro Tempore Robinson read the following resolution: a resolution that the City of Fairhope hereby adopts and approves the Community Development Budget for the FY 2017-2018. He explained that the City Council was only approving the appropriations and in-house events; and not the Department requests. Mayor Wilson requested that the details be listed for everyone.

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Council President Pro Tempore Robinson read the following proposed appropriations for the 2017-2018 budget:

Proposed Community Development 2017 - 2018	Council's Appropriations 2017-2018
Baldwin County Trailblazers/Walking School Bus	\$5,000
Downtown Fairhope Business Association	\$20,000
Eastern Shore Art Center	\$20,000
Eastern Shore Chamber of Commerce – (\$15,000 Annual Leaders Council Program)	\$21,000
Ecumenical Ministries	\$10,000
Education Advisory Committee (BCBE)	\$350,000
Fairhope Film Festival	\$8,000
Misc. Golf (FEEF)	\$2,500
Mobile Bay National Estuary Program	\$5,000
Optimist Club/Dogwood Trail Program	\$2,000
Rotary Youth Club	\$50,000
Thomas Hospital Foundation	\$50,000
Baldwin County Economic Development Alliance	\$15,000
	<hr style="width: 100%; border: 0.5px solid black;"/> \$558,500

Mayor Wilson stated that she had requested \$400,000.00 for the schools and now it is reduced to \$350,000.00. She also mentioned the original list included \$35,000.00 for the Pirate Booster. Council President Pro Tempore Robinson commented their 5 years ran out and it does not carryover. He said if they would like for the City to contribute they need to bring items forward. Mayor Wilson replied the five schools should have more funding. Council President Pro Tempore Robinson said he is in favor of more for schools are any time; and this is not a bottom line number for our schools. Councilmember Brown said the Education Advisory Committee requested \$350,000.00 and to withhold the spending; and take a step back for accountability. He said the principals gave recommendations and the Baldwin County Board of Education came back with different proposals. Councilmember Brown said the Education Advisory Committee holds the principals accountable for the funds. Council President Pro Tempore Robinson said if we allocate \$350,000.00; and it is determined there is an additional need for a specific school, then the City could allocate more.

Councilmember Conyers introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope hereby adopts and approves the Community Development Budget for the FY 2017-2018. Seconded by Councilmember Brown, motion passed unanimously by voice vote.

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RESOLUTION NO. 2920-17

WHEREAS, the City Council has not adopted the proposed Budget for the FY 2017-2018; and

WHEREAS, the City of Fairhope is desirous to hold City Events and City Sponsored Events throughout the year which require advanced planning; reserving locations and dates; and

WHEREAS, the City Council is now desirous to adopt and approve the Community Development Budget for 2017-2018.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope hereby adopts and approves the Community Development Budget for the FY 2017-2018.

ADOPTED THIS 13TH DAY OF NOVEMBER, 2017



 Karin Wilson, Mayor

ATTEST:



 Lisa A. Hanks, MMC
 City Clerk

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

- 1) Ben Smith, 217 South Mobile Street, addressed the City Council and asked if the Community Development budget will be in the minutes. Mayor Wilson replied these will be put on the website. Council President Pro Tempore Robinson stated these were read into the minutes.
- 2) Rob Allen, 6612 Willowbridge Drive, addressed the City Council and said he was confused on Agenda Item Number 13. He said the City Council was reluctant to propose it and then voted on it. Councilmember Conyers said he thought this was already done; and is not sure how a person will get up to speed on City events. Councilmembers Robinson and Brown agreed with Councilmember Conyers; but added staff could be trained to fill in when others are out. Councilmember Boone said he voted against this because staff should be able to handle it; and will be training the person to do this job.

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- 3) T J Murphy, 204 Tensaw Avenue, addressed the City Council regarding several items. The first item he brought up there are concerns in the Community that the Mayor is going in one direction; and the Council is going in another. He asked if there is open and supportive communication between the Mayor and the Council. Mayor Wilson replied there is next to none. Council President Pro Tempore Robinson said it is not lack of communication, but plenty of misunderstanding. He said the misunderstanding of the fundamental responsibilities. Mayor Wilson commented she is always available; and is here and willing to work together. She said the Council is unclear of their roles; and took an oath to work together.

Mr. Murphy asked if the Moratorium Report was online. Mayor Wilson said there is a link on the website. He also mentioned the survey results with citizens' input; and Town Hall meetings. Mayor Wilson said these may be put 30 minutes prior to the Work Session; and mentioned breakfast with the Mayor tomorrow. Mr. Murphy asked about the "Plan" presented in the Moratorium Report. Mayor Wilson commented it will be presented after the budget.

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

There being no further business to come before the City Council, the meeting was duly adjourned at 7:34 p.m.



Jay Robinson,
Council President Pro Tempore



Lisa A. Hanks, MMC
City Clerk