

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 October 2014.

Present were Council President Jack Burrell, Councilmembers: Rich Mueller, Diana Brewer, Michael A. Ford, and Kevin Boone, Mayor Timothy M. Kant, 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 Assistant Pastor Andrew Lehman of Redeemer Lutheran Church and the Pledge of Allegiance was recited. Councilmember Boone moved to approve minutes of the 22 September 2014, regular meeting; minutes of the 22 September 2014, work session; and minutes of the 22 September 2014, agenda meeting; minutes of the 22 September 2014, budget meeting; and minutes of the 29 September 2014, special city council meeting. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

Mayor Kant addressed the City Council regarding the "Town Hall Meetings" scheduled for October 20, 2014 at Homestead Village; October 21, 2014 at Fairhope Elementary School; and October 23, 2014 at Fairhope Intermediate School. All three are for public input for the Comprehensive Plan Update and will be held at 5:30 p.m.

The following individuals addressed the City Council during Public Participation for Agenda Items:

- 1) John Hirsch, 7231 Forest Park, Chairman of the Dauphin Island Sailboat Race, addressed the City Council regarding Agenda Item Number 14; the request from the Fairhope Yacht Club requesting to barricade the top of Volanta Avenue on April 24, 2015, from 11:00 a.m. until 11:00 p.m. and to use City barricades for the Dauphin Island Sailboat Race, which will be held on April 24, 25, and 26, 2015; and a variance in the sound ordinance to accommodate a large party to be held at the club on Friday night April 24th until 11:00 p.m. He also mentioned the use of the park for overflow parking.
- 2) Holly Johnson for the Fairhope K-6 Parent Teacher Corporation addressed the City Council regarding Agenda Item Number 15; the request for permission to close the streets in downtown Fairhope on Saturday, January 31, 2015 from 6:00 a.m. to 10:00 a.m. for The Pirate Dash (5K Run and 1 mile Fun Run); to use barricades at major road intersections. The road closures would be Bancroft Street from Fairhope Library down to Magnolia, and on Magnolia Avenue (the block nearest Fairhope Avenue around the bluff). The money raised is for educational needs of the Fairhope Elementary and Fairhope Intermediate Schools.

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Council President Burrell addressed the City Council and proclaimed "Hail State."

A Public Hearing was held as advertised on a proposed ordinance to Amend Zoning Ordinance No. 1253. Councilmember Brewer introduced in writing an ordinance to amend the Planned Unit Development (PUD) for Fairfield Phase VI, specifically Lot 18, (Ordinance No. 1362); the property of Fortuna Investments, LLC. This property is located at the northeast corner of the intersection of County Road 44 (a.k.a. Twin Beech Road) and Boothe Road, Fairhope, Alabama; Parcel ID No. 46-05-21-0-000-031.186. The Planning Commission gave a favorable recommendation of this ordinance. Council President Burrell read the proposed ordinance.

Planning Director Jonathan Smith briefly explained the proposed ordinance and said there was one requested contingency from the Planning Commission: the finished floor elevations for a 100 year storm event being placed on the building on the PUD Site Plan footprints due to drainage concerns in the area.

Council President Burrell opened the Public Hearing at 6:08 p.m. No one present opposed the proposed ordinance, the Public Hearing closed at 6:08 p.m.

Due to lack of a motion for immediate consideration, this ordinance will layover until the October 27, 2014 City Council meeting.

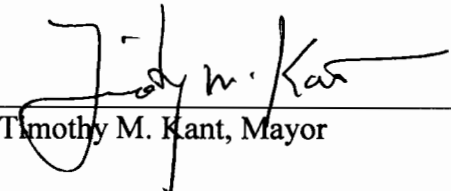
Councilmember Brewer introduced in writing Ordinance No. 1522, an ordinance to Amend Ordinance No. 1496; the Bylaws of the Education Advisory Committee; Rules of Procedures by changing the day from the third Wednesday to the first Wednesday of each month and the time to 4:30 p.m. In order to take immediate action, Councilmember Brewer moved for immediate consideration. Seconded by Councilmember Boone, motion for immediate consideration passed unanimously by the following voice votes: AYE - Burrell, Mueller, Brewer, Ford, and Boone. NAY - None. Councilmember Brewer then moved for final adoption of Ordinance No. 1522. Seconded by Councilmember Boone, motion for final adoption passed by the following voice votes: AYE - Burrell, Mueller, Brewer, Ford, and Boone. NAY - None.

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution that Mayor Timothy M. Kant is hereby authorized to execute a Contract for Professional Consulting Services for the City of Fairhope Comprehensive Plan Update 2014-2015 with Thompson Engineering, Inc.; for RFQ No. PS017-14 with a cost not to exceed \$87,560.00. The motion was seconded by Councilmember Mueller. Council President Burrell questioned the number of hours for the project. Jonathan Smith replied approximately 800 hours. After further discussion, motion passed unanimously by voice vote.

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**RESOLUTION NO. 2270-14**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Timothy M. Kant is hereby authorized to execute a Contract for Professional Consulting Services for City of Fairhope Comprehensive Plan Update 2014-2015 with Thompson Engineering, Inc.; for RFQ No. PS017-14 with a cost not to exceed \$87,560.00.

DULY ADOPTED THIS 13TH DAY OF OCTOBER, 2014  
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Timothy M. Kant, Mayor

Attest:

  
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Lisa A. Hanks, MMC  
City Clerk

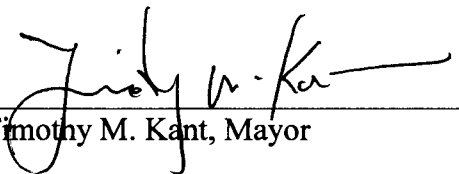
Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution that the City Council approves the selection of Trey Jinright, PE of Jade Consulting, LLC to be the retained City Engineer for RFQ No. PS003-15 and authorizes Mayor Timothy M. Kant to negotiate the fee schedule. The motion was seconded by Councilmember Boone. Councilmember Mueller questioned if an ongoing engineer would be proactive with researching and mapping our infrastructure. Mayor Kant replied that the engineer would look at the City's drainage issues. He said the State law requires an "Engineer of Record" for projects over \$20,000.00 and Mr. Jinright would work with our Public Works on projects. Mayor Kant commented we would fix drainage issues with a Certified Engineer onboard with us; and he would be able to sign off on subdivision retention ponds as well as calculations. Councilmember Brewer stated this will pay for itself. Council President Burrell commented we have a happy resolution on the agenda. After further discussion, motion passed unanimously by voice vote.

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**RESOLUTION NO. 2271-14**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that the City Council approves the selection of Trey Jinright, P. E. of Jade Consulting, LLC to be the retained City Engineer for RFQ No. PS003-15, City Engineering Services; and hereby authorizes Mayor Timothy M. Kant to negotiate the fee schedule.

Adopted on this 13th day of October, 2014

  
 Timothy M. Kant, Mayor

Attest:

  
 Lisa A. Hanks, MMC  
 City Clerk

Councilmember Brewer introduced in writing, and moved for the adoption of the following resolution, a resolution that the City of Fairhope authorizes for a public purpose to carry on the tradition of selling produce on the corner of Church Street as established by the "Tomato Lady." Seconded by Councilmember Boone, motion passed unanimously by voice vote.

**RESOLUTION NO. 2272-14**

**WHEREAS**, the City of Fairhope for the past 42 years has had a tradition for the "Tomato Lady" and her truck who sold produce on the corner of Church Street; and

**WHEREAS**, the City of Fairhope is desirous to continue this tradition in the first parking space on said corner; and

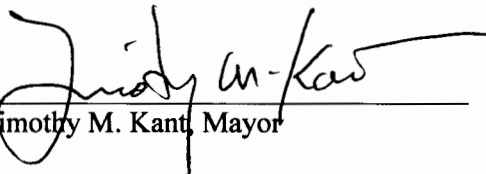
**WHEREAS**, the City Council hereby determines that allowing the public property to be used in this manner serves a valid and sufficient public purpose; and

**WHEREAS**, the City Council authorizes Mayor Timothy M. Kant to negotiate an agreement for produce to be sold only in the first parking space for the betterment of the downtown community; and


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**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA,** That the City of Fairhope approves and authorizes Mayor Kant to negotiate an agreement for produce to be sold only in the first parking space on the corner of Church Street and to continue this tradition established by the "Tomato Lady."

ADOPTED THIS 13TH DAY OF OCTOBER, 2014

  
 Timothy M. Kant, Mayor

Attest:

  
 Lisa A. Nanks, MMC  
 City Clerk

City Council reviewed an application for a Special Events License by William Boyd Little for Oak Hollow Farm, Inc., for the 2014 Oak Hollow Farm Angel Ride Concert on 14210 Greeno Road, Fairhope, Alabama on October 30, 2014 through November 2, 2014. Councilmember Brewer moved to approve the issuance of the license. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

City Council reviewed an application for a Non-Profit Tax Exempt License (Alcoholic Beverage License) by Nancy Robertson, The Baldwin County Humane Society, for 2014 Christmas by the Bay located at 161 North Section Street, Fairhope, Alabama on November 13, 2014 from 6:00 p.m. to 9:00 p.m. Councilmember Brewer moved to approve the issuance of the license. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

City Council reviewed an application for a Restaurant Liquor License by Christopher Steiner, Steiner's Steamer, LLC, d/b/a Steiner's Steamer, located at 311 Fairhope Ave, Fairhope, Alabama. Councilmember Boone moved to approve the issuance of the license. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

City Council reviewed an application for a Restaurant Liquor License by Leodis Mitchell, Whole Hog Bar B Que, LLC, d/b/a Whole Hog Bar B Que, located at 307 Young Street, Fairhope, Alabama. Councilmember Brewer moved to approve the issuance of the license. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

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City Council reviewed an application for a Restaurant Liquor License by Leodis Mitchell, Whole Hog Bar B Que, LLC, d/b/a Whole Hog Bar B Que, located at 307 Young Street, Fairhope, Alabama. Councilmember Brewer moved to approve the issuance of the license. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Councilmember Boone moved to grant the request of the Fairhope Yacht Club requesting permission to barricade the top of Volanta Avenue on Friday, April 24, 2015, from 11:00 a.m. until 11:00 p.m. and to use City barricades for the Dauphin Island Sailboat Race, which will be held on April 24, 25, and 26, 2015; and a variance in the sound ordinance to accommodate a large party to be held at the club on Friday night April 24th until 11:00 p.m. Seconded by Councilmember Brewer, motion passed unanimously by voice vote.

Councilmember Brewer moved to grant the request of Holly Johnson for Fairhope K-6 Parent Teacher Corporation requesting permission to close the streets in downtown Fairhope on Saturday, January 31, 2015 from 6:00 a.m. to 10:00 a.m. for The Pirate Dash (5K Run and 1 mile Fun Run); to use barricades at major road intersections. The road closures would be Bancroft Street from Fairhope Library down to Magnolia, and on Magnolia Avenue (the block nearest Fairhope Avenue around the bluff). The money raised is for educational needs of the Fairhope Elementary and Fairhope Intermediate Schools. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Councilmember Brewer moved to approve the Job Title of Maintenance Technician with a Pay Grade 22 and a starting pay of \$25.00 per hour for the Building Department. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

Councilmember Brewer moved to adjourn the meeting. Seconded by Councilmember Mueller, motion passed unanimously by voice vote.

There being no further business to come before the City Council, the meeting was duly adjourned at 6:30 p.m.

  
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Jack Burrell, Council President

  
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Lisa A. Hanks, MMC  
City Clerk