

STATE OF ALABAMA            )  
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COUNTY OF BALDWIN        )

The City Council met in a Work Session at 4:30 p.m.,  
Delchamps Room, 161 North Section Street,  
Fairhope, Alabama 36532, on Monday, 8 December 2014.

Present were Council President Jack Burrell, Councilmembers: Rich Mueller (arrived at 4:45 p.m.), Diana Brewer (arrived at 4:45 p.m.), Michael A. Ford (arrived at 5:00 p.m.), and Kevin Boone (arrived at 4:54 p.m.), Mayor Timothy M. Kant, City Attorney Marion E. Wynne, and City Clerk Lisa A. Hanks.

Council President Burrell called the meeting to order at 4:45 p.m.

The following topics were discussed:

- The Recreation Board Recommendation was the first agenda item to be discussed. Sherry Sullivan, Community Affairs and Recreation Director, explained the recommendation and that our insurance company has also stated we need to have a policy in place for liability issues. She mentioned the Recreation Center, Pool, and Library already have a policy stating no children under 13 years of age are to be left unsupervised. The Recreation Board recommendation was to propose a policy that no unsupervised minor be allowed in any Recreation Buildings within the City of Fairhope.

Councilmembers Ford, Brewer, and Mueller said we need something in place. Councilmember Brewer said she did have an issue with not allowing children riding their bikes to the park that may be under the age of 13; and suggested just stating buildings in the policy. Mayor Kant said he wants children active and outside. He stated parks should not be across the board with this policy. Ms. Sullivan commented she thinks this should just be in buildings. City Clerk Lisa Hanks will work with Chief Petties to prepare a draft ordinance for Council to review.

- Mayor Kant discussed the Soccer Field Construction Manager and requested guidance from the City Council. There are three options for the City to proceed with project: a construction manager, a general contractor, or the City. Mayor Kant said he would like to use a City Team to work with the engineer. He mentioned Scott Sligh for electrical component, Tom Kuhl for irrigation component, and Jennifer Fidler for drainage component.

Councilmember Ford commented that if we used a construction manager it would be double paying. Councilmember Boone said we have a tight budget and staff can handle with the engineer keeping up with expenditures. Councilmember Mueller stated someone has to monitor and track the project; and we can either use a construction manager or someone in-house. There could be legal ramifications if not done correctly and timely.

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John Avent from Preble-Rish addressed the City Council and said the engineer cannot tell the contractor how to do the job. However, the engineer holds the contractor responsible per the specifications. The general contractor will oversee and work with each department. Mayor Kant stated the bid goes out to all qualified bidders and the bids checked with the specifications.

Councilmember Mueller commented a construction manager would keep project moving. Councilmember Brewer stated she was not comfortable with the City being the construction manager; and was worrying about scheduling and a timeline. Mr. Avent said this was no different than building a subdivision and working with different companies and components. Mayor Kant also stated there would be multiple bids for the total project: (1) dirt, asphalt, and leveling; (2) irrigation; (3) electrical; and (4) grass.

Councilmember Mueller stated the 2 percent legal issue is why we are here; save money or end up in court. Councilmembers Boone, Ford, Mueller, and Burrell said they had no problem letting the City be the construction manager and not hire one; and to seek advice from the engineer. Councilmember Brewer said she wanted to discuss this further.

- Council President Burrell stated the need to discuss the potential changes in the Zoning Ordinance relating to the Central Business District. He mentioned a recent request for a Mixed-Use Development and the residence being on the first and second floor with over 5,000 square feet; and the commercial portion being upstairs with only approximately 700 square feet. He also mentioned potential problems such as parking in front of property. Jonathan Smith, Planning Director, addressed the City Council and said there is not percentage requirement for commercial and single family residential is allowed in B-2 District. Councilmember Mueller suggested residential only being allowed on the second floor with commercial on the first floor. Council President Burrell said he was making Council aware of these issues; and requested the Council to get any concerns and suggestions to Mr. Smith.

There being no further business to come before the City Council, the meeting was duly adjourned at 5:47 p.m.

  
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Jack Burrell, Council President

  
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Lisa A. Hanks, MMC  
City Clerk