

The City of Fairhope Board of Adjustments and Appeals met on Monday, November 21, 2011 at 5:00 PM in the City Council Chambers at the City Administration Building, located at 161 N. Section Street.

Members Present: Chairperson Cathy Slagle; Anil Vira, Vice-Chair; Troy Strunk; Sam Andrews; Debra Green; Jonathan Smith, Director of Planning and Building; Tut Wynne, City Attorney; and Emily Boyett, Secretary.
Absent: Clyde Panneton

The meeting was called to order at 5:00 PM by Chairperson Slagle.

The minutes of the July 18, 2011 meeting were considered. Troy Strunk moved to accept the minutes as written and was 2nd by Anil Vira. Motion carried unanimously.

Mrs. Slagle stated the Board does not have any cases on tonight's agenda, but there are several agenda items.

A. Executive Session – Marion "Tut" Wynne, City Attorney, addressed the Board and asked them to go into Executive Session for approximately ten minutes to discuss pending litigation. Sam Andrews made a motion for the Board to enter Executive Session for a time of fifteen minutes. Troy Strunk 2nd the motion and the motion carried unanimously.

The Board exited the dais at 5:05 p.m. Returned at 5:47 p.m.

Anil Vira made a motion to approve Tut Wynne to settle the pending lawsuit with the condition that each side pays their own attorney fees. Sam Andrews 2nd the motion. Mrs. Green said she still has safety concerns with the boat ramp and would like to have it looked at by the Police Department. There was discussion as to requesting the City Council to have the potential safety issues addressed. Anil Vira amended his motion to include a request to the City Council to have the safety concerns at the boat ramp evaluated after the construction of the house. Motion failed due to the lack of a 2nd. There was discussion regarding the appropriate avenue in which to address the safety concerns. Mrs. Green asked to prohibit the issuance of any building permits until the safety issues are resolved. Mr. Andrews asked if there could also be a condition regarding the tree that is located on the property. Mr. Smith stated the tree is not a variable for the granting of the variance. Anil Vira made a motion to approve Tut Wynne to settle the pending lawsuit with the condition that each side pays their own attorney fees and costs. Sam Andrews 2nd the motion and the motion carried with the following votes: AYE – Anil Vira, Troy Strunk, Cathy Slagle, Sam Andrews. NAY – None. ABSTENTION – Debra Green.

B. Election of Officers – Debra Green made a motion to reappoint Cathy Slagle as Chairperson, Anil Vira as Vice-Chair, and Emily Boyett as Secretary. Sam Andrews 2nd the motion and the motion carried unanimously.

C. 2012 Board of Adjustments Agenda Schedule – Cathy Slagle noted a conflict with the February 20th, 2012 meeting date with President’s Day and Mardi Gras. Mr. Andrews suggested rescheduling the February meeting to Thursday, February 23rd, 2012. Sam Andrews made a motion to accept the 2012 Agenda as amended. Anil Vira 2nd the motion and the motion carried unanimously.

Old/New Business

Mrs. Green stated she has been working on gathering information on the City’s parks and gullies and there is some confusion due to conflicting information. She said she wants to get copies of the deeds for the parks and gulley properties. Mr. Smith directed her to contact the City Clerk, Lisa Hanks regarding this type of information. He stated Ms. Hanks is responsible for maintaining copies of deeds and other documents relating to City property.

Mrs. Slagle requested copies of the Board’s updated contact information.

Mr. Smith stated the Board will be receiving new copies of the City’s Zoning Ordinance due to several amendments that have been made recently.

Having no further business, Debra Green made a motion to adjourn. Sam Andrews 2nd the motion and the motion carried unanimously. The meeting was adjourned at 6:28 pm.