



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

**Monday, November 13, 2023 - 3:30 PM
City Council Chamber**

Council Members

Kevin G. Boone
Jack Burrell
Jimmy Conyers
Corey Martin
Jay Robinson

1. Eagle Reef Presentation
2. Historic Preservation Ordinance Discussion
3. Discussion on City Council Rules of Procedure
4. Committee Updates
5. Department Head Updates

**City Council Agenda Meeting – 5:30 p.m.
on Monday November 13, 2023 – City Council Chamber**

Next Regular Meeting - Monday, November 27, 2023 - Same Time Same Place



Welcome and Thank You

- Boy Scout Troop 147 fishing trip
- We didn't catch much and I wanted to do something to change this
- Researched and found Ocean Habitats, Inc.



History of The Eagle Reef



- What do they do?
- Wildlife habitat
- Water filtration
- Reproduce/Multiply



Function





Habitat - Nine-month reef



Habitat - Six-Month Reef



Habitat – Everyone participates

- Acts as a nursery for fish and shrimp
- Juvenal redfish
- Attracts the entire food chain
 - Including us!



Habitat – Juvenile Redfish



- Filter feeders
- One reef loaded with oysters
 - Up to 30,000 gallons daily
 - Up to 10 million gallons annually



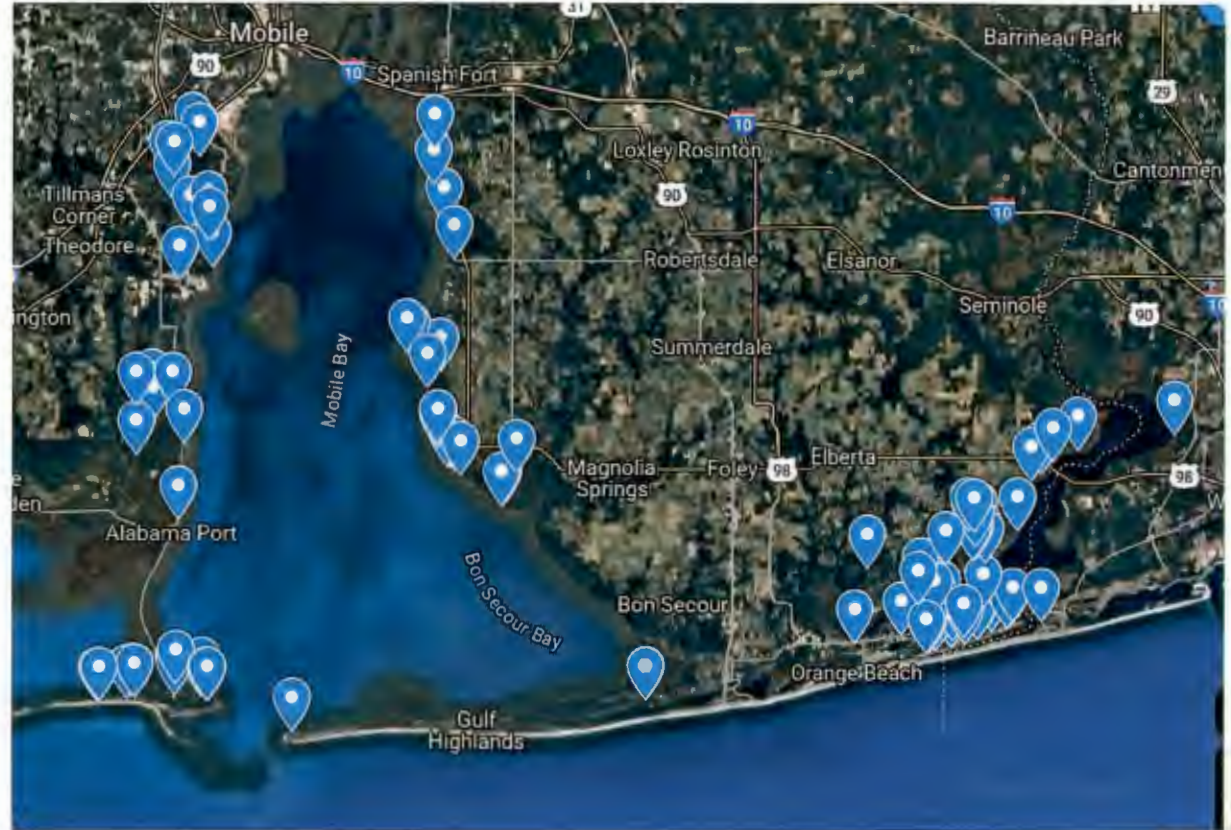
Filtration

- One mature oyster releases over 100 million spat into the water annually
 - ~10 billion per loaded reef annually
- Enhance/reestablish oyster population where conditions are favorable
- Spat will attached at neighboring piers and structures



Multiplier effect

- Over \$50,000 raised
- 175 reefs deployed
- Across Coastal Alabama



Project Success

July 2023 – Partnership formed to reach 1,000 reefs



Stokes School of Marine &
Environmental Sciences



Expansion Phase



- Raise money through business partners
- Coordinate, monitor, test and report
- Support and compliment state programs

Expansion Phase

- Personal and Condominium wharfs
- Municipal piers
- Restaurants
- Marinas



Where will they go?

- In the right conditions and once loaded up with oysters 1,000 reefs equals 10 Billion gallons of water filtered annually
- 1,000 reefs create facilitate 500,000 fish, shrimp and crab annually
- These reefs will release 100 billion oyster spat into the water annually
- Each year will grow these numbers as new oysters attach in new locations



By the numbers



Partners For Environmental Progress

**Stokes School of Marine &
Environmental Sciences**



Expansion Phase

Potential locations for (14) Eagle Reefs, City of Fairhope

1. Orange Street Pier (2)
2. White Street Pier (2)
3. Municipal Pier, finger pier (2)
4. North Beach Park pier @ Guard Shack (3)
5. North Beach Park pier @ Pavilion (2)
6. Fly Creek @ mouth of Bay (2)
7. Welcome Center, Downtown Fairhope , outside for display only (1)



City of Fairhope Reefs



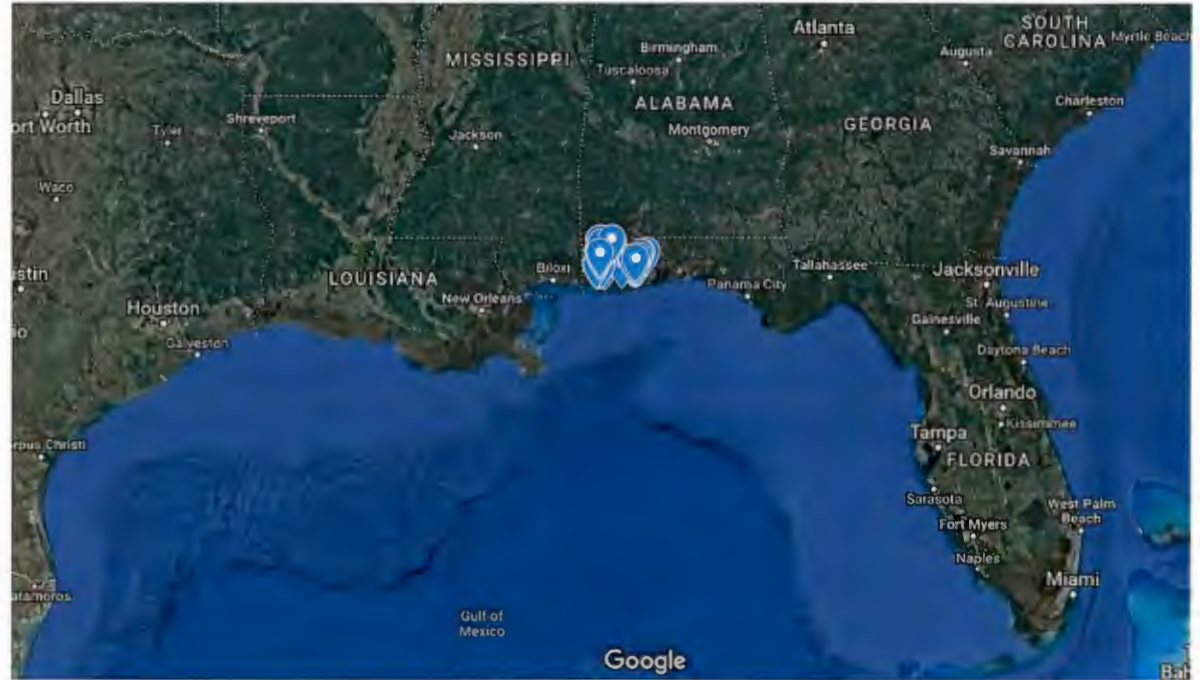
- Rafts of 50 reefs over new oyster beds?
 - Support DNCR's restoration program
- Movable rafts to clean specific locations
 - Spills & Runoffs
- Carbon and nutrient capture tax credits?
 - Farm and industrial runoff from upriver



Future of The Eagle Reef

- Duplicate

- Pascagoula?
- Pensacola?
- Galveston?
- Destin?
- Apalachicola?
- Atlantic Coast?



Future of The Eagle Reef



Thank You

Presentation to the City Council



**Fairhope Historic Preservation Committee
November 13, 2023**

Recommendation:

- ❑ Adopt an ordinance to create an Historic Preservation Commission tailored to Fairhope's unique identity. Such an ordinance should balance preservation needs with individual property rights, and encourage preservation through positive means.

Why Fairhope Needs an Historic Preservation Commission:

- ❑ to stem the rapid depletion of historic building stock and resources;
- ❑ to protect Fairhope's historic resources for current and future generations;
- ❑ to preserve historic tourism and related business opportunities; and
- ❑ to provide the City and its residents with access to critical grants and infrastructure support available to places with historic preservation commissions.

FHPC's Approach

The Fairhope Historic Preservation Committee (FHPC):

- gathered input from residents, city council members, and the Alabama Historic Commission (AHC) through Spring 2022- Fall 2023;
- studied the sample legislation from AHC as well as Title 11 Chapter 68, 1-15 of the Alabama Law Code;
- reviewed and revised the suggested ordinance across multiple meetings and work sessions in spring 2023: March 15, March 28, April 12, April 26, May 10, May 17; and
- incorporated feedback from the Building Department and the Planning Department on May 10, and then forwarded our recommended ordinance to the Mayor and City Council President May 17, who in turn sent our document for legal review.

FHPC Proposed Revisions

More than 70 total changes, including:

- Modification of membership and service requirements to reflect Fairhope's needs and volunteer pool;
- Remove requirements for paint colors;
- Remove fines for failing to maintain historic properties;
- Defer the creation of the architectural review board until the City identifies such a need;
- Amplifying sections that promote education and culture of preservation, including a stage of demolition review;
- Incorporation of Building and Planning suggestions; and
- Language that brought ordinance closer to Fairhope procedures

See Appendix "Major Changes" for more information

Powers of the Historical Commission

- ❑ NOTE: All versions of the ordinances (FHPC's, AHC's, the lawyer's-CW) propose broad powers for the Commission. FHPC did not limit many of the proposed powers, because most powers become active **only if/when the city council decides to activate the powers.**

Powers and their Limitations in the Proposed Commission

All Commission powers are conditional on a public process and City Council Approval:

- Section II. E.1 “Powers” **“Recommend to the City Council buildings, structures, sites, and districts for designation as historic properties or local districts.”**
(FHPC ‘b & d’ p. 2 / CW ‘c’ p.4)
- Section III. D (FHPC p. 7 / CWp.9) Requirements for Adopting an Ordinance for the Designation of Historic Districts and Historic Properties

“3. Required Public Hearings: The Commission shall hold a public hearing on any proposed ordinance for the designation of any historic district or property.”

“5. City Council Action on Commission Recommendation: Following receipt of the Commission's recommendation, the City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.”

Appeals

Section IV (FHPC, 'N' p. 11 / CW 'P' p.14) "Appeals".

If the City Council agrees to the Historic Commission Recommendations, but residents do not agree, an appeal process is in place.

Conclusion

- ❑ An Historic Commission will give the City, business owners, and residents critical support for preserving Fairhope's at risk and dwindling historical resources. The Ordinance can be structured such that a commission plays a positive role and the city council maintains ultimate authority.
- ❑ No Historic Commission means that the city's historic stock will continue to be demolished at a whiplash pace. Residents and business owners who want to preserve their properties will not have the tools or resources to do it. The City will not have access to critical grants for preservation, or grants for restoration of historic spaces following natural disasters.

Please act now to create preservation tools so that the City, its residents, and its businesses can save Fairhope's most treasured and tangible connections to its history.

Appendix



Comparison FHPC and CW Proposals

Comparison Overview

FHPC:

- Focuses on Demolition Review and Education
- Reflects Volunteer Pool and Infrastructure of a Small Town
- Approach discussed with AHC and similar to that of Homewood, AL
- Ordinance 15 pages in length, reflecting removal of sections discussed in the appendix

CW:

- Reflects an ordinance more appropriate for a larger city like Mobile, AL
- Full-blown Certificate of Appropriateness section, with attention to details like paint color that FHPC does not recommend
- Requires substantially more resources from the City to manage
- Proposal 22 pages in length, with sections FHPC does not advocate

Section II

Membership and Responsibilities

FHPC Version (p.2) / CW Version (p.2):

Section II, B. (FHPC p. 2) - Revision of Membership to reflect the volunteer pool, retaining some AHC language:

"1. The Commission shall consist of at least seven (7) members recommended by the Mayor and appointed by the City Council. All members shall be residents of the city of Fairhope and shall have demonstrated training or experience in history, architecture, architectural history, American studies, cultural geography, cultural anthropology, planning, archaeology, law, or other related fields, or who shall be residents of Fairhope with demonstrated interest in historic preservation."

Section II, B. 4 (CW p.4) - FHPC removed the language "serve without compensation," as elsewhere the document states that $\frac{1}{2}$ membership may be public officials. We also do not rule out the appropriateness of a small stipend depending upon labor demands.

Section II, H. 1 - Responsibilities (FHPC p.4 / CW p. 6)

Here, we brought continuing education requirements more in line with the schedules of working volunteers.

Section II

Powers

See Section II D. FHPC “Powers”, p.3

- FHPC Recommendation proposes 15 powers (FHPC p.2-3); CW proposes 25 (CW p.4-5).
- We retained most powers indicated in the AHC suggested Ordinance with the understanding that the commission powers [such as granting or denying certificates of appropriateness - ('c.') or employing persons ('k') become active only **after** the city gives specific approvals such as creating an historic district, or winning a grant that sponsors and employee or contractor.
- One major exception relates to acquiring property. We proposed the city manage historic property donations, acquisitions, and maintenance rather than the Historic Commission (e.g. see FHPC Ordinance, 'e.'). The city may decide not to accept future donations of property, but as it already has some historic properties we wanted to specify that power does not belong to the Commission.

Section III

FPHC Section III, D.8 (p.7) Removed from CW version (p.9) was a provision we find incredibly important.

Moratorium on Applications for Alteration or Demolition while Ordinance for Designation is Pending: If an ordinance for designation is being considered, the Commission shall have the power to freeze the status of the involved property.

Rationale for inclusion: It takes time to gather essential documentation, develop historic contexts, and complete survey fieldwork. When property owners catch wind of such activity, some may react by preemptively tearing down structures in their care. To protect potentially contributing properties during this interim time, many local governments -- including those in Opelika, Florence, Homewood, Bessemer, Dothan, and Alex City -- have found it beneficial to enact a demolition moratorium during the study period. We strongly recommend that Fairhope adopt a similar safeguard in its ordinance.

Section IV

Certificates of Appropriateness

The focus of FHPC proposal is to intervene at the point of demolition (similar to a demolition review), to encourage preservation through positive means. We made several changes to this section to make the process easier and less burdensome for Fairhope residents (FHPC Ordinance, Section V), including:

- FHPC does not encourage CoA prior to building permit (CW p.10). Instead FHPC emphasizes education at time of demolition review rather than managing CoAs.
- Eliminating strict regulations. FHPC does encourage regulating paint colors or commenting on interiors (CW D.1&2 p.10/FHPC F.1 p.9).

Section V (CW, p. 17-18)

Section V in Chris Williams's version is related to Maintaining Historic Properties and is a section proposed in the suggested ordinance by AHC. FHPC's proposal removed the section because we believed it places unrealistic expectations on our current resident body and city infrastructure. Further, we believe the section is incompatible with the demolition review and education approach we are recommending.

Questions?



Thank you.

AN ORDINANCE TO ESTABLISH A HISTORIC PRESERVATION COMMISSION IN THE CITY OF FAIRHOPE; TO PROVIDE FOR DESIGNATION OF HISTORIC PROPERTIES OR HISTORIC DISTRICTS; TO PROVIDE FOR ISSUANCE OF CERTIFICATES OF APPROPRIATENESS; TO PROVIDE FOR AN APPEALS PROCEDURE; TO REPEAL CONFLICTING ORDINANCES; CERTIFICATE OF ECONOMIC HARDSHIP; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE

Section I: Purpose

- A. In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Fairhope is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people;
- B. In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote and stimulate business;
- C. In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and
- D. In order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;
- E. The City Council of the City of Fairhope hereby declares it to be the purpose and intent of this Ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, landscape features and works of art having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of the Ordinance.

Section II: Creation of a Historic Preservation Commission

A. Creation of the Commission

1. There is hereby created a commission whose title shall be "City of Fairhope Historic Preservation Commission" (hereinafter "Commission").

B. Commission Members: Number, Appointment, Terms, Compensation and Rules and Standards

1. The Commission shall consist of at least seven (7) members recommended by the Mayor and appointed by the City Council. All members shall be residents of the city of Fairhope and shall have demonstrated training or experience in history, architecture, architectural history, American studies, cultural geography, cultural anthropology, planning, archaeology, law, or other related fields, or who shall be residents of Fairhope with demonstrated interest in historic preservation. .
2. Members shall serve three-year terms. Members may be reappointed. In order to achieve staggered terms, initial appointments shall be: Two (2) members for one (1) year; two (2) members for two (2) years; and three (3) members for three (3) years. Members may be reimbursed for expenses incurred on behalf of the Commission.
3. Members of the Commission may be removed for cause by the City Council.
4. Vacancies on the Commission may be filled by persons nominated by the Mayor and appointed by the council. Such appointments shall be for the unexpired term of the member replaced.
5. Members of the Commission shall elect a chairman and a vice chairman and such other officers as the members deem necessary. The Commission shall adopt rules of procedure and bylaws to govern its operations and shall communicate those rules of procedure and bylaws to the City Council. The rules of procedure and bylaws of the Commission shall specify what number of members of the Commission constitutes a quorum.

C. Commission Meetings, Minutes and Public Participation

1. All meetings of the Commission must be publicly announced and be open to the public. Commission meetings must occur at regular intervals. Public notice must be provided prior to any special meetings.
2. Minutes of all decisions and actions of the Commission including the reasons for making these decisions must be submitted to the city clerk and available for public inspection.
3. All decisions of the Commission shall be made in a public forum and applicants must be given written notification of the Commission's decision.
4. The rules of procedure adopted by the Commission must be available for public inspection.

D. Statement of the Commission's Power

1. The Commission shall be authorized to:
 - a. Prepare and maintain an inventory of all property within the City of Fairhope having the potential for designation as historic property;
 - b. Recommend to the City Council specific places, districts, sites, buildings, structures, or works of art to be designated by ordinance as historic properties or historic districts;
 - c. Review applications for Certificates of Appropriateness and grant or deny same in accordance with the provisions of this Ordinance;
 - d. Recommend to the City Council that the designation of any place, district, site, building, structure, objects or work of art as a historic property or as a historic district be revoked or removed;
 - e. Acknowledge donations, grants, funds or gifts of historic property, make recommendations for potential acquisition of historic properties to the City of Fairhope;
 - f. Promote the acquisition by the City of Fairhope of facade easements and conservation easements;
 - g. Develop and conduct educational programs on historic properties located within the City of Fairhope and on general historic preservation activities;
 - h. Make such investigations and studies of matters relating to historic preservation employment of historic preservation experts the City Council or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources.
 - i. Seek out local, state, federal and private funds for historic preservation, and make recommendations to the City Council concerning the most appropriate uses of any funds acquired;
 - j. Perform historic preservation activities as the official agency of the City of Fairhope historic preservation program;
 - k. Employ persons, if necessary, to carry out the responsibilities of the Commission;
 - l. Review and make comments to the Alabama Historical Commission concerning the nomination of properties within its jurisdiction to the National Register of Historic places;
 - m. Investigate, survey and process nominations of properties to the State Register of Historic Places;
 - n. Investigate, survey and process applications for certification of historic properties for tax credits for preservation expenditures;
 - o. Participate in private, state and federal historic preservation programs enter into

agreements with the same to perform historic preservation related functions.

E. Annual Reports of the Commission's Activities

1. The Commission shall prepare and file with the City Council and with the Alabama Historical Commission, an annual report of its activities as required by the City Council and the Alabama Historical Commission. The annual report shall cover the period from October 1st to September 30th and shall be submitted in October of each year. The report shall include such items as the number of cases reviewed, historic district and property designations made, revised resumes of commission members/staff, appointments to the Commission, attendance records and all minutes relating to the review of National Register nominations. The report shall document attendance at the orientation/training session as specified in Section II, H and I.

F. Conflict of Interest

1. At any time the Commission reviews a project in which a member of the Commission has ownership or other vested interest, that member shall be forbidden from presenting, voting or discussing the project, other than answering a direct question.

G. Records of Commission Meetings

1. A public record shall be kept of the Commission's resolutions, proceedings and actions.

H. Responsibilities of Commission Members

1. Each Commission member and anyone serving the Commission in a technical/professional staff capacity are encouraged to attend informational or educational meetings per year pertaining to historic preservation. Such meetings may include those sponsored by the Alabama Historical Commission, Board of Advisors, the National Trust for Historic Preservation or a local preservation organization.

I. Liaison Between the Commission and the State Historic Preservation Office (Alabama Historical Commission)

1. Should the City Council elect to become a Certified Local Government, the City Council shall designate a paid member to the city's staff or a person working under contract as a source of technical/administrative/professional assistance to be responsible for the operations of the Commission in keeping with the requirements of certification for participation in the Certified Local Government Program. At least one member of the Commission and/or the person serving as the Commission's technical staff, and/or a representative appointed by the Mayor who has an ongoing relationship with the Commission, will attend the Alabama Certified Local Government orientation/training session sponsored by the Alabama Historical Commission each year.

Section III: Recommendation and Designation of Historic Districts and Properties

A. Preliminary Research by Commission

1. Commission's Mandate to Conduct a Survey of Local Historical Resources: The Commission shall compile and collect information and conduct surveys of historic resources within the City of Fairhope.
2. Commission's Power to Recommend Districts and Buildings to the City Council for Designation: The Commission shall present to the City Council recommendations for historic districts and properties.
3. Commission's Documentation of Proposed Designation: Prior to the Commission's recommendation of a historic district or historic property to the City Council for designation, the Commission shall prepare a report consisting of:
 4. a physical description;
 5. a statement of the historical, cultural, architectural and/or aesthetic significance;
 6. a map showing district boundaries and classification (i.e., historic, non-historic) of individual properties therein, or showing boundaries of individual historic properties;
 7. a statement justifying district or individual property boundaries;
 8. representative photographs.

B. Designation of a Historic District

1. Criteria for selection of historic districts: A Historic District is a geographically definable area, which contains buildings, structures, sites, objects, landscape features and works of art or a combination thereof, which:
 - a. represents one or more periods, styles or types of architecture typical of one or more eras in the history of the municipality, county, state or region;
 - b. represents a significant aspect of the cultural, political, economic, military or social history of the locality, region, state or nation;
 - c. has had a significant relationship with the life of a historic person or event, representing a major aspect of the history of the locality, region, state or nation;
 - d. is a part of the historic, architectural, archaeological or aesthetic heritage of the locality, region, state or nation;
 - e. contains vernacular structures which contribute to an overall character and sense of place which is representative of the City of Fairhope.
2. Boundaries of a Historic District: Boundaries of a Historic District shall be shown on an Official Map designated as a public record).

3. Evaluation of properties within Historic Districts: Individual properties within historic districts shall be classified as:

- a. contributing (contributes to the district);
- b. non-contributing (does not contribute to the district).

C. Designation of a Historic Property

1. Criteria for selection of Historic Properties: A historic property is a building, structure, site, object, work of art; including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City of Fairhope for one of the following reasons:

- a. it is an outstanding example of a structure representative of its era;
- b. it is one of the few remaining examples of past architectural style;
- c. it is a place or structure associated with an event of persons of historic or cultural significance to the City of Fairhope, State of Alabama, or the region;
- d. it is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, state or region; or
- e. the building or structure is an example of an architectural style, or combination of architectural styles, which is representative of the City of Fairhope or which is unique to the City of Fairhope.

2. Boundary Description: Boundaries shall be shown on Official Zoning Map designated as a public record.

D. Requirements for Adopting an Ordinance for the Designation of Historic Districts and Historic Properties

1. Application for Designation of Historic Districts or Property: Designations may be proposed by the City Council, the Commission, or:

- a. for historic districts - a historical society, neighborhood association or group of property owners may apply to the Commission for designation;
- b. for historic properties - a historical society, neighborhood association or property owner may apply to the Commission for designation.

2. Required Components of a Designation Ordinance: Any ordinance designating any property or district as historic shall:

- a. list each property in a proposed historic district or describe the proposed individual historic property;
- b. set forth the name(s) of the owner(s) of the designated property or properties;
- c. require that a Certificate of Appropriateness be obtained from the Commission

- prior to any material change in appearance of the designated property; and
- d. require that the property or district be shown on the _____ (Official Zoning Map, or other designated map in the absence of such a map and kept as a public record to provide notice of such designation).
 3. Required Public Hearings: The Commission shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in accordance with the city notice requirements. A notice sent via United States Mail to the last-known owner of the property shown on the Baldwin County tax roll and a notice sent via United States Mail to the address of the property to the attention of the occupant under this ordinance.
 4. Recommendations on Proposed Designations: A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Commission within fifteen (15) days following the Public Hearing and shall be in the form of a recommendation to the City Council.
 5. City Council Action on Commission Recommendation: Following receipt of the Commission's recommendation, the City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.
 6. Notification of Adoption of Ordinance for Designation: Within thirty (30) days following the adoption of the ordinance for designation by the City Council, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the City Council which notice shall apprise said owners and occupants of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States Mail to the last-known owner of the property shown on the Baldwin County tax roll and a notice sent via United States Mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.
 7. Notification of Other Agencies Regarding Designation: The Commission shall notify all municipal agencies within the City of Fairhope of the ordinance for designation.
 8. Moratorium on Applications for Alteration or Demolition while Ordinance for Designation is Pending: If an ordinance for designation is being considered, the Commission shall have the power to freeze the status of the involved property within the proposed district.

Section IV: Application to Historic Preservation Commission for Certificate of Appropriateness

A. Approval of Alterations, Demolitions or New Construction in Historic Districts or Involving Historic Properties

1. After the designation by ordinance of a historic property or of a historic district, no historic property may be demolished, no building or structure in a historic district may be erected or demolished and no material change (see Section X paragraph g definitions) in the exterior appearance of such historic property, or of a structure, site, object or work of art within such historic district, unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Commission.

B. Approval of New Construction Within Designated Districts

1. The Commission shall issue Certificates of Appropriateness to new structures constructed within designated historic districts if these structures conform in design, scale, building materials, setback and landscaping to the character of the district specified in the design criteria developed by the Commission.

C. Approval of Signs Within Designated Districts

1. Signs shall be considered as structures and no sign on a historic property or in a historic district shall be changed, erected or demolished unless and until a certificate of appropriateness is approved by the Commission.

D. Demolitions Within Designated Districts

1. Required Findings-Demolition/Relocation. The Commission shall not grant Certificates of Appropriateness for the demolition or relocation of any property within a Historic District unless the Commission finds that the removal or relocation of such building and/or structure will not be detrimental to the historical or architectural character of the district. In making this determination, the Commission shall consider:
 - a. The historic or architectural significance of the structure in or of itself or as part of the district;
 - b. The importance of the structure to the integrity of the Historic District, the immediate vicinity, an area, or relationships to other structures;
 - c. The difficulty or the impossibility of reproducing the structure because of its design, texture, material, detail or unique location;
 - d. Whether the structure is one of the last remaining examples of its kind in the neighborhood, the county, or the region or is a good example of its type, or is part of an ensemble of historic buildings creating a neighborhood;
 - e. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the

architectural, cultural, historical, archaeological, social, or aesthetic, of the district.

2. Content of Applications. All applications to demolish or relocate a structure in a Historic District shall contain the following minimum information:
 - a. The date the owner acquired the property, purchase price, and condition on date of acquisition;
 - b. Replacement construction plans for the property in question and future use;
 - c. Financial proof of the ability to complete the replacement project, which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and
 - d. Such other information as may reasonably be required by the Commission.
 3. Post Demolition or Relocation Plans Required. In no event shall the Commission entertain any application for the demolition or relocation of any Historic Property unless the applicant also presents at the same time the post-demolition or post relocation plans for the site.
- E. Approval of Alterations or Demolitions of Public Property Within Historic Districts or Public Property Which Has Been Designated as a Historic Property
1. The requirement of a certificate of appropriateness shall apply to public property which has been designated as a historic property or which is contained in a historic district, and shall apply to all actions by public authorities which involve historic properties and properties within historic districts.
- F. Interior Alterations
1. In its review of applications for Certificates of Appropriateness, the Commission shall not consider interior arrangement or use having no effect on exterior architectural features.
- G. Failure to Maintain a Historic Property
1. Demolition by neglect and the failure to maintain a historic property or a structure in a historic district shall constitute a change for which a Certificate of Appropriateness is necessary.
- H. Guidelines and Criteria for Certificates of Appropriateness
1. The Commission shall adopt rules and regulations setting forth the procedure for submission and consideration of applications for Certificates of Appropriateness. The Commission shall also adopt general design standards modeled on those established by the Alabama Historic Commission which shall apply in considering the granting and denial of Certificates of Appropriateness.
- I. Submission of Plans to Commission

1. An application for Certificate of Appropriateness shall be submitted at least 25 days before the next scheduled Commission meeting and shall be accompanied by such drawings, photographs, plans or other documentation as may be required by the Commission. Applications involving demolition or relocation shall be accompanied by post-demolition or relocation plans for the site.
- J. Acceptable Commission Reaction to Applications for Certificate of Appropriateness
1. The Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic property or the historic district. In making this determination, the Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of the other structures in the immediate neighborhood.
 2. The Commission shall deny a Certificate of Appropriateness if it finds that the proposed material change(s) in appearance would have substantial adverse effects on the aesthetic, historic or architectural significance and value of the historic property or the historic district. The Commission shall not grant Certificates of Appropriateness for demolition or relocation without reviewing at the same time the post-demolition or post-relocation plans for the site.
- K. Public Meetings and Hearings on Applications for Certificates of Appropriateness, Notices and Right to be Heard
1. Applications for Certificates of Appropriateness shall be considered by the Commission at public meetings, held at (time) in (place) on the (1st, 2nd, 3rd or 4th) (day) of each month. At least seven (7) days prior to review of a Certificate of Appropriateness, the Commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected by reason of the application, and shall give applicant and such owners an opportunity to be heard. In cases where the Commission deems it necessary, it may hold a public hearing concerning the application. Notice for such hearing shall be given at least seven days prior to review.
- L. Deadline for Approval or Rejection of Application for Certificate of Appropriateness
1. The Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property, or of a historic structure, site, object or work of art located within a historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the Commission. Notice of the issuance or denial or a

Certificate of Appropriateness shall be sent by United States Mail to the applicant and all other persons who have requested such notice in writing filed with the Commission.

2. Failure of the Commission to act within said forty-five (45) days shall constitute approval and no other evidence of approval shall be needed.

M. Necessary Actions to be Taken by Commission upon Rejection of Application for Certificate of Appropriateness

1. In the event the Commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant, and the City Clerk. The Commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
2. In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the commission shall be binding upon the Building Department or other relevant Departments charged with issuing permits or approvals and, in such cases, no building permit shall be issued.

N. Appeals

1. Any person having a request for a Certificate of Appropriateness denied by the Commission, or Architectural Review Board as hereinafter provided, may appeal such denial to the Board of Adjustment and Appeals within 45 days of the Commission decision.

O. Certificate of Economic Hardship

1. Substantial Economic Hardship. If the Commission denies an application for a Certificate of Appropriateness, a property owner may apply for a Certificate of Economic Hardship. The purpose of the Certificate of Economic Hardship is to provide relief where the application of this chapter would otherwise impose a substantial economic hardship.
2. Burden of Proof. The burden of proof rests on the applicant to show that the denial of the Certificate of Appropriateness will result in a Substantial Economic Hardship.
3. Applications. The applicant shall provide such information as may reasonably be required by the Commission to establish the owner's claim of substantial economic hardship. The data provided by the applicant must be substantiated by either professionals in an applicable field or by thorough documentation of how the information was obtained. The Commission may request additional information from the applicant as necessary to make informed decisions. Certificates of Economic Hardship are granted only to the applicant and are not transferable.

4. Standards for Consideration. In making its determination, the Commission may consider, but is not limited to, the following described factors, evidence, and testimony:
 - a. Date property was acquired and status of the property under this ordinance at the time of acquisition, e.g., whether property was protected by this chapter, condition, etc.
 - b. The structural soundness of the building, or any structures on the property and their suitability for rehabilitation.
 - c. The current level of economic return on the property.
 - d. The economic feasibility of rehabilitation or reuse of the existing property.
 - e. Comments and/or reports from any community organizations, preservation groups, other associations and private citizens that wish to comment on a submission made under the financial hardship provision; and
 - f. The extent to which the owner is responsible for his or her own economic hardship, if any, such as the owner's failure to:
 1. Perform normal maintenance and repairs;
 2. The owner's purchase of the subject property after the enactment of this Ordinance without making said purchase contingent upon the owner's first obtaining the approvals required by this Chapter.
5. Hearing. The Commission shall hold a public hearing as soon as practical but not longer than forty-five (45) days of receipt of a completed application for a Certificate of Economic Hardship. Notice shall be provided in the same manner the Commission uses for hearings on Certificates of Appropriateness. At the hearing, the Commission shall take testimony presented by the owner and any other interested parties on the standards set forth above. The Commission shall issue its decision within forty-five (45) days of the hearing.
 1. If the Commission fails to timely hold a public hearing, or having conducted a hearing fails to render a decision within forty-five days, the applications for a Certificate of Economic Hardship shall be deemed granted.
6. Denial. If the Commission determines to deny the application for a Certificate of Economic Hardship, the applicant shall be notified in writing and shall be provided a copy of the Commission final order.
7. Initial Determination. If the Commission makes an initial determination that the applicant has presented a case which may establish substantial economic hardship, but finds that reasonable alternatives may exist which should be addressed by the applicant, the Commission may delay its final order for a period of no more than six (6) months. The applicant shall be notified of the initial determination and shall be provided a copy of the Commission's findings and reasons for the postponement.

8. Postponement. Within the period of postponement, the Commission, in cooperation with the City and the owner, may explore alternatives that will assure reasonable use of the property including, but not limited to loans or grants from public or private sources, acquisition by purchase or eminent domain, building and safety code modifications to reduce cost of maintenance, restoration, rehabilitation or renovation, changes in applicable zoning regulations, or relaxation of the provisions of this chapter sufficient to allow reasonable use of the property.
 9. Issuance of Certificate. Upon the expiration of the period of postponement, the Commission shall issue the certificate of economic hardship. The certificate may be subject to conditions including design guidelines for subsequent construction not inconsistent with the standards set forth in this chapter and the Commission=s design guidelines. The Certificate of Economic hardship shall be valid for a period of one hundred twenty (120) days from approval by the Commission.
- P. Recording of Applications for Certificate of Appropriateness
1. The Commission shall keep a public record of all applications for Certificates of Appropriateness and of all the Commission's proceedings in connection with said application.
- Q. Certificate of Appropriateness Void if Construction not Commenced
1. A Certificate of Appropriateness shall become void unless construction is commenced within six 12 months of date of issuance. Certificates of Appropriateness shall be issued for a period of eighteen 12 months.
- R. Requirements of Conformance with Certificate of Appropriateness
1. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the Building Department shall issue a Stop Work Order (SWO) order and all work shall cease.
 2. The City Council shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district.
- S. Technical Advice
1. The Commission shall have the power to seek technical advice from outside its members on any application.

Section V: Building and Zoning Code Provisions

- A. Affirmation of Existing Building and Zoning Codes
 - 1. Nothing in this Ordinance shall be construed as to exempt property owners from complying with existing City building and zoning codes, nor to prevent any property owner from making any use of his property not prohibited by other statutes, ordinances or regulations.

Section VI: Penalty Provisions

- A. Violations of any provision of this Ordinance shall be punished in the same manner as provided for punishment of violations of other validly-enacted Ordinances of the City.

Section VII: Severability

- A. In the event that any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

Section VIII: Repealer

- A. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Section IX: Definitions

- A. "Certificate of Appropriateness" - Means a document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.
- B. A Certificate of Economic Hardship - Means a document evidencing approval of an Owner's application for relief.
- C. "Exterior Architectural Features" - Means the architectural style, general design and general arrangement of the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.
- D. "Exterior Environmental Features" - Means all those aspects of the landscape or the development of a site which affect the historical character of the property.
- E. "Historic District" - Means a geographically definable area designated by the City Council as a historic district.
- F. "Historic Property" - Means an individual building, structure, site, object or work of art including the adjacent area necessary for the proper appreciation thereof designated by the City Council as a historic property.

G. "Material Change in Appearance" - Means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, landscape feature or work of art within a historic district, such as:

1. A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
2. Demolition or relocation of a historic structure;
3. Commencement of excavation for construction purposes.

Effective Date

This Ordinance shall become effective on _____, _____ (date). THEREFORE, BE IT RESOLVED, that the City Council does hereby ordain, resolve, and enact the foregoing Historic Preservation Commission Ordinance for the City of Fairhope

Adopted this _____ day of _____, 20____.

Date of Implementation: _____ day of _____, 20____.

APPROVED:

Mayor

ATTEST:

Clerk

ORDINANCE NO. 1692

**AN ORDINANCE ADOPTING THE RULES OF PROCEDURE
IN ALL INSTANCES FOR MEETINGS
OF THE CITY COUNCIL**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA that the Order Procedure in all instances for meetings of the City Council shall be as follows:

SECTION 1. That the rules or order of procedure herein contained shall govern deliberations and meetings of the City Council of the City of Fairhope, Alabama.

SECTION 2. Regular Meetings of the Council shall be held on the following dates:
The 2nd and 4th Monday nights of each month at 6:00 p.m.
with an agenda meeting at 5:30 p.m.

SECTION 3. A Work Session of the Council shall be held on the following dates:
The 2nd and 4th Monday nights of each month at 4:30 p.m.

SECTION 4. Special Meetings - The Presiding Officer of the Council shall call special meetings whenever in his or her opinion the public interest requires it. Also, whenever two Councilmembers or the Mayor request in writing a special meeting, the Presiding Officer has the duty to make the call. If the Presiding Officer fails or refuses to call such a meeting when requested, the two Councilmembers making the request, or the Mayor have the right to call such a meeting. Section 11-43-50, Code of Alabama, 1975.

Notice of all special meetings shall be posted on a bulletin board and appropriate customary media notified; and is accessible to the public twenty-four hours prior to such scheduled meeting.

SECTION 5. A quorum shall be determined as provided by Section 11-43-48 of the 1975 Code of Alabama, as amended.

SECTION 6. All regular meetings shall convene at the Fairhope Municipal Complex Council Chamber and all meetings, regular or special, shall be open to the public, except when the Council meets in executive session as authorized by state law.

SECTION 7. The Council may meet in executive session only for those purposes authorized by state law. When a Councilmember makes a motion to go into executive session for an enumerated purpose, the Presiding Officer shall put the motion to a vote. If the majority of the Council shall vote in favor of the motion to go into executive session, the body shall then move into executive session to discuss the matter for which the executive session was called. No action may be taken in an executive session. When the discussion has been completed, the Council shall resume its deliberations in public.

SECTION 8. That all motions, resolutions, ordinances, or other business, required to be in writing, shall be That all motions, resolutions, ordinances, or other business, required to be in writing, shall be prepared and supplied to all Councilmembers by four o'clock in the afternoon on the Thursday prior to the Monday meeting in which it is to be presented. (e.g. if City offices are not open, the Thursday before the Monday Council meeting, then the writings and documentation shall be supplied to each Councilmember by placing same in each member's mailbox at City Hall by noon Wednesday). Items to be added to the agenda must be approved by Council President or two Councilmembers prior to the agenda deadlines. Agenda items rejected by the Council cannot be added to an agenda for sixty (60) days following the rejection without unanimous consent of the Council.

- a. It is desired that information be supplied to the City Clerk in time to be made part of the agenda packet.

- b. When a work session is called, or scheduled between two Council meetings, all motions, resolutions, ordinances, or other business required to be in writing shall be presented in substantially the same form as that which is required for presentation at Council meeting.
- c. Notwithstanding Sections a. and b. here and above, in the situation of an actual emergency sections a. and b. here and above shall not apply. For purposes, herein an actual emergency exists from failure to act will result in an immediate and irrefutable harm to the City or any of its citizens and or otherwise it was physically impossible to comply with a notice requirement set forth herein as the same may be determined by the Presiding Officer of the Council.
- d. An agenda shall be prepared by the City Clerk for all business to come before each regular session and all business to be transacted shall be put on the agenda no later than Wednesday at noon (12:00 p.m.). Items may be added to the end of the regular agenda up to twenty-four (24) hours past Wednesday's deadline with the consent of the Council President. If the City Clerk does not receive confirmation from the Council President to add all items by Thursday noon, these items will not appear on the regular agenda. All other items may be added to the regular agenda during the regular Council meeting upon receiving a motion and seconded and unanimous vote by the Council. The agenda must be faxed or e-mailed to the local newspaper by Thursday at 4:00 p.m. The Council books (iPads) shall be ready for pickup no later than 4:00 p.m. on Thursday before the next regular Council meeting on the following Monday night.
- e. Any item including background material to be placed on the agenda must be turned in by the Wednesday deadline, as stated in d. here and above before the Council meeting or Work Session to the City Clerk subject to the review of the Council President.
- f. If any item that appears on the agenda should need to be pulled prior to Monday night's meeting and after the 24 hours after the agenda deadline on Wednesday, the Council will vote at the Monday night meeting to amend the agenda.
- g. Notwithstanding Sections a. and b. here and above, in the situation of an actual emergency sections a. and b. here and above shall not apply. For purposes herein an actual emergency exist from failure to act will result in an immediate and irrefutable harm to the City or any of its citizens and or otherwise it was physically impossible to comply with a notice requirements set forth herein as the same may be determined by the Presiding Officer of the Council.
- h. An agenda shall be prepared by the City Clerk for all business to come before each regular session and all business to be transacted shall be put on the agenda no later than Wednesday noon. Items may be added to the end of the regular agenda up to twenty-four (24) hours past Wednesday's deadline with the consent of the Council President. If the City Clerk does not receive confirmation from the Council President to add all items by Thursday noon, these items will not appear on the regular agenda. All other items may be added to the regular agenda during the regular Council meeting upon receiving a motion and seconded and unanimous vote by the Council. The agenda must be faxed or e-mailed to the local newspaper by Thursday at 4:00 p.m. The Council books shall be ready for pickup no later than 4:00 p.m. on Thursday before the next regular Council meeting on the following Monday night.
- i. If any item that appears on the agenda should need to be pulled prior to Monday night's meeting and after the 24 hours after the agenda deadline on Wednesday, the Council will vote at the Monday night meeting to amend the agenda.

SECTION 9. The order of business shall be as follows:

1. Call to order
2. Invocation/Pledge of Allegiance
3. Approval of Minutes
4. Report of the Mayor
5. Public Participation (Agenda Items)
6. Council Comments
7. Ordinances, Resolutions, Orders, and Other Business
8. Reading of Petitions, Applications, Complaints, Appeals, Communications, etc.
9. Reports of Standing committees (if any)
10. Reports of Special Committees (if any)
11. Reports of Officers (if any)
12. Public Participation (Non-Agenda Items)
13. Adjourn

SECTION 10. No Councilmember shall speak more than twice on the same subject without permission of the Presiding Officer.

SECTION 11. That no individual who is not a member of the Council shall be allowed to address the same while in session without permission of the Presiding Officer and for not more than three minutes, unless approved by the Presiding Officer.

No person, other than a Councilmember or the Mayor, shall be allowed to address the Council on any matter which shall be the subject of a public hearing scheduled by the Council until the meeting under which the public hearing on that matter is scheduled to be heard.

SECTION 12. Every Officer, whose duty it is to report at the regular meeting of the Council, who shall be in default thereof, may be fined at the discretion of the Council.

SECTION 13. Motions shall be reduced to writing when required by the Presiding Officer of the Council or any member of same. All Resolutions and Ordinances shall, and any amendments thereto shall be in writing at the time of introduction.

SECTION 14. Motions to reconsider must be by a Councilmember who voted with the majority, and at the same or next succeeding meeting.

SECTION 15. Whenever it shall be required by one or more members of the Council, the "Ayes" and "Nays" shall be recorded; and any member may call for a division on any question.

SECTION 16. All questions of order shall be decided by the Presiding Officer with the right of appeal to the Council by any member.

SECTION 17. The Presiding Officer of the Council may, at his or her discretion, call any member to take the chair to allow him or her to address the Council, make a motion, or discuss any other matter at issue.

SECTION 18. An election for Council President and Council Pro Tempore will be held each November and/or at the pleasure of the City Council.

SECTION 19. Motions to lay any matter on the table shall be first in order; and on all questions - the last amendment, the most distant day, and the largest sum shall be first put.

SECTION 20. A motion for adjournment shall always be in order.

Ordinance No. 1692

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SECTION 21. The rules of the Council may be altered, amended, or temporarily suspended by a vote of two-thirds of the members present.

SECTION 22. The chairman of each respective committee or Councilmember acting for him or her shall submit or make all reports to the Council when so requested by the Presiding Officer or any member of the Council.

SECTION 23. All ordinances, resolutions or propositions submitted to the Council which require the expenditure of money shall lie over until the next regular meeting; provided however that such ordinances, resolutions or propositions may be considered earlier by unanimous consent of the Council; and provided further that this rule shall not apply to the current expenses of, or contracts previously made with, or regular salaries of Officers or wages of employees of the City.

SECTION 24. The City Clerk, City Treasurer, City Attorney, Chief of Police, Superintendent of Utilities, and such other officers or employees of the City shall remain in the council chamber for such length of time as the Council may direct.

SECTION 25. No ordinance or resolution of a permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent is obtained for its immediate consideration; such consent shall be by roll call and the vote spread upon the minutes.

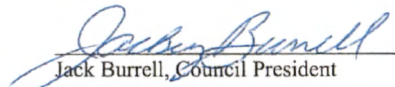
SECTION 26. *Robert's Rules of Order* are hereby adopted as the rules of procedure for this Council in those situations which cannot be resolved by the rules set out in this ordinance.

SECTION 27. This Ordinance replaces and supersedes all previous ordinances in conflict therewith.

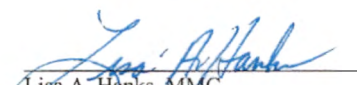
SECTION 28. The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence are part thereof shall be held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not effect or impair the remainder of this Ordinance, it being the legislative intent to ordain and act each provision section, paragraph, sentence and part thereof separately and independently of each other.

SECTION 29. This Ordinance shall take effect and be enforced from and after approval by the City Council of the City of Fairhope upon publication required by law to be effective November 2nd, 2020.

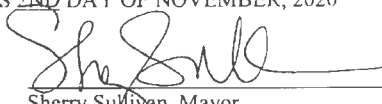
APPROVED AND ADOPTED THIS 2ND DAY OF NOVEMBER, 2020


Jack Burrell, Council President

ATTEST:


Lisa A. Hanks, MMC
City Clerk

APPROVED AND ADOPTED THIS 2ND DAY OF NOVEMBER, 2020


Sherry Sullivan, Mayor

Ord. No. 1692 Published in
FAIRHOPE COURIER
on Friday, November 13, 2020
Lisa A. Hanks City Clerk

These are the only Sections that will need to be amended

SECTION 2. Regular Meetings of the Council shall be held on the following dates:
The 2nd and 4th Monday nights of each month at 6:00 p.m.
~~with an agenda meeting at 5:30 p.m.~~

SECTION 9. The order of business shall be as follows:

1. Call to order
2. Invocation/Pledge of Allegiance
3. Approval of Minutes
4. Report of the Mayor
5. Public Participation (Agenda Items)
6. Council Comments
7. Requests, Recommendations, ABC License Application, etc.
8. Ordinances, Resolutions, Site Plans, etc.
9. Reports of Standing committees (if any)
10. Reports of Special Committees (if any)
11. Reports of Officers (if any)
12. Public Participation (Non-Agenda Items)
13. Adjourn

SECTION 10. No Councilmember shall speak more than twice on the same subject without permission of the Presiding Officer. (Roberts Rules of Order addresses this)10th Edition pages 375-377

SECTION 12. Every Officer, whose duty it is to report at the regular meeting of the Council, who shall be in default thereof, may be fined at the discretion of the Council. (Always in rules of procedures)