

**FEAB MEETING MINUTES**  
**April 13, 2018**  
**3:00 p.m.**  
**Delchamps Room, City Hall, Fairhope, AL**

**Member Attendees:** Gary Gover, Ben Frater, Ron Allen, Nicole Love, Rick Frederick, Tony Pritchett, Jim Horner

**City Council:** Jimmy Conyers

**City of Fairhope:** Kim Burmeister, Planning and Zoning Department

**Honored Guests:** James Watkins

**Minutes taken by:** Kim Burmeister

**FEAB MINUTES:**

March's minutes have been approved as amended (at Jim Horner's request: amendment was added under the Restore Act information: *Jim Horner asked about the status of a stormwater infrastructure inventory. Sherry-Lea said that an inventory will be included in the funding.*)

**Discussion of Items:**

**1. FEAB Rules and Procedures.**

Gary discussed by-laws / charter of FEAB. This can be found on line on City website on Municode ordinances:

[https://library.municode.com/al/fairhope/codes/code\\_of\\_ordinances?nodeId=COOR\\_C\\_H2AD\\_ARTIIBOCOCO\\_DIV2ENADBO](https://library.municode.com/al/fairhope/codes/code_of_ordinances?nodeId=COOR_C_H2AD_ARTIIBOCOCO_DIV2ENADBO)

Currently FEAB has 10 members (last one accepted was #10 Jim Horner, March 26, 2018). Gary suggested that vacancies in the future be advertised on City website at same place where committees / minutes are mentioned. Kim will check with Lisa to see if this can be done (if/when there is a vacancy on FEAB). Gary also suggested a FEAB email contact for citizens to submit comments and suggestions. He will look into this further (creation of FEAB specific email address, etc.). Mission statement for FEAB is also needed (on website). Gary will work on this as well.

Gary has asked Kim or whomever takes the minutes to submit minute draft immediately to City Clerk and Council liaison so that liaison can share topics of concern with Council Members and the Mayor at Work Sessions. Gary asked Kim to send FEAB draft minutes to FEAB members at end of the month.

Gary discussed his interpretation of the sunshine law / ethic rules for public meetings (such as FEAB and subcommittees of FEAB): Up to two FEAB committee members can meet with City staff or Council but not more than two, and he did not think resolution items could be discussed at all. Jim Horner did not agree with not being able to discuss resolution items because every topic could be a resolution item. Jimmy read a definition of a “deliberation” and he thinks all items can be discussed as long as the meeting does not include more than two members of FEAB. Jimmy also mentioned that serial meetings are not allowed. This is where two members meet; and one of those two members meets with another member; and one of those two members meets with another member. This is a violation of the Sunshine Law (“Open Meetings Act”).

Tony expressed a desire to change the Sunshine law (now called the “Open Meeting” act), which is governed by State legislature. Not being able to meet and discuss issues with City Staff and Council with more than two members is restraining. Jim H. said Council would have to carry this for the FEAB if so desired through resolution. Gary said Lisa Hanks, City Clerk, is the FEAB’s advisor for State legislative rules and regulations.

Gary mentioned a desire to move the FEAB meeting to somewhere with a window (Delchamps Room @ City Hall has no window): Library or Museum of History have available meeting rooms with windows. Jim prefers City Hall. Other locations may have parking issues. Other members liked the idea of Library location with windows. Gary will confirm next meeting location before next meeting.

Gary mentioned subcommittees under or having affiliation with FEAB: Knoll Park Committee (2014); Recycling Committee; Tree Committee. It is unclear the subcommittee status of these.

### **City Triangle Property**

Jimmy asked for Fly Creek “Dyas Triangle” property discussions be added to today’s agenda for immediate discussion. Tony agreed and Ron seconded approval for this to be added: Jimmy discussed the 108 acres acquired a few years ago as a lawsuit resolution. Jimmy said he and most of Council favor putting the property into a Conservation Easement and he would like to know FEAB’s opinion. Mayor favors holding off on any designation until Comprehensive Land Use plan is developed. Jim H. and Ben recommend an immediate biological inventory (including tree inventory) of the property. Kim suggested historical and archeological assessment as well. Art Dyas recently did a You Tube video of a (partial) tree inventory and there is some information to be found in the Fly Creek Study from 2013:

<http://www.cofairhope.com/home/showdocument?id=6719>.

Rick said the Fly Creek watershed study coming tentatively in 2019 will likely include such assessments (not just creek side) but that will not happen immediately and may not be as inclusive as Fairhope would like for the specific area. Rick mentioned sediment assessment attempt when Publix was being developed (or immediately after), and problems with assessment access to Fly Creek (property owner denied access). City would have to pay for any inventories not performed by NEP as part of the Fly Creek watershed management plan.

Jimmy is favoring natural trails, keeping it natural with LID access areas. Tony said this is the reason the property was purchased: to prevent development at Fairhope's entrance. Jimmy said the conservation easement process would take 6 – 12 months. Last payment for this property will be made in 2018, according to Jimmy.

Jimmy said ultimately, City Council has the authority to pursue conservation easement designation. FEAB likes the idea of the conservation easement but would like to see biological inventory first. Kim said most wetland delineators in this area perform this service (City has a list). Gena Todia is the one that comes to mind. Also EcoSolutions and JJ McCool's company. Nicole suggested FEAB recommend waiting for the NEP Fly Creek Watershed Study conclusion before any designation. Rick said Fly Creek NEP study will likely last about 2 years. Gary said someone with FEAB will attend next Work Session to discuss.

#### **Restore Act Funds**

Jimmy said these funds are not available yet (hopefully by end of the year). City does not actually receive the money—stays with Federal funds and Feds pay for our projects once finalized. Jim said that per Sherry-Lea, stormwater infrastructure inventory will be a Restore Act project (this comment was left off of last month's minutes draft). Kim will add this to the March meeting minutes.

#### **Storm Drain Medallion Project:**

Kim mentioned PR event to be held on Friday 4/20. She will forward news release to FEAB with time and location when Sherry-Lea finalizes this. Locations will likely be either at Rose Garden or at Pier Street boat launch.

#### **Other Business:**

Jim Watkins / Jim Horner mentioned upcoming weather concerns. Retreat at Fairhope Village project is underway. Site is stripped out. Jim Watkins asked if City would be monitoring the site this weekend. Kim said contractors have removed trees but have not brought in any stock piles of soils; BMPs are installed (Type A silt fence and brush berms). She will check the site immediately after the storm. Contractor will be given a heads up on the flooding potential.

Meeting adjourned at 4:00 p.m.

Next meeting scheduled for Friday **May 11th, 3:00 p.m.** (\*Gary will confirm location\*)

**FEAB CONTACT INFORMATION:**

- |                         |  |                |
|-------------------------|--|----------------|
| 1. Chairman: Gary Gover | <a href="mailto:govers@bellsouth.net">govers@bellsouth.net</a>               | (251) 990-8662 |
| Members:                |  |                |
| 2. Mike Shelton         | <a href="mailto:yaupon3@gmail.com">yaupon3@gmail.com</a>                     | (251) 990-2995 |
| 3. Rick Frederick       | <a href="mailto:rfrederick@mobilebaynep.com">rfrederick@mobilebaynep.com</a> | (251) 380-7941 |
| 4. Ron Allen            | <a href="mailto:ron.allen1@att.net">ron.allen1@att.net</a>                   | (251) 210-4226 |
| 5. Shawn Graham         | <a href="mailto:ShawnDG12@aol.com">ShawnDG12@aol.com</a>                     | (251) 928-5120 |
| 6. Jeanine Normand      | <a href="mailto:drjnormand@aol.com">drjnormand@aol.com</a>                   | (251) 928-2284 |
| 7. Tony Pritchett       | <a href="mailto:apritchettassoc@gmail.com">apritchettassoc@gmail.com</a>     | (251) 990-5185 |
| 8. Nicole Love          | <a href="mailto:nicolemrobinson@hotmail.com">nicolemrobinson@hotmail.com</a> | (407) 312-1362 |
| 9. Ben Frater           | <a href="mailto:ben.frater@gmail.com">ben.frater@gmail.com</a>               |                |
| 10. Jim Horner          | no email   | (251) 928-9722 |

**CITY CONTACTS:**

Jimmy Conyers, City Council	<a href="mailto:jimmy.conyers@fairhopeal.com">jimmy.conyers@fairhopeal.com</a>
Kim Burmeister, Planning and Zoning Department	<a href="mailto:kim.burmeister@fairhopeal.com">kim.burmeister@fairhopeal.com</a>
Nancy Milford, Planning and Zoning Department	<a href="mailto:Nancy.milford@fairhopeal.com">Nancy.milford@fairhopeal.com</a>

(251) 928-8003 City of Fairhope