

## **FEAB MEETING MINUTES**

**January 8, 2021**

**3:00 p.m.**

**Fairhope Civic Center Delchamps Room, Fairhope, AL**

**Member Attendees:** Gary Gover, Ben Frater, Jim Horner, Mike Shelton, Amy Paulson, Nigel Temple, Michelle Melton

**Members not in attendance:** Jeanine Normand (warranted absence); Tony Pritchett (unwarranted absence #2)

**City of Fairhope:** Kim Burmeister -Planning and Zoning Department; Erik Cortinas, Building Official/Building Department

**City Council:** None

**Honored Guests:** Jennifer Foutch, Baldwin County Board of Realtors; Jim Watkins, *Fairhope Times*

**Minutes taken by:** Kim Burmeister / Mike Shelton / Amy Paulson

Gary called the meeting to order at 3:05 p.m.

### **FEAB MINUTES:**

December minutes were approved with one change: Reference to Tony Pritchett's absence from the December meeting: "not warranted" was changed to "unwarranted" per Gary.

### **DISCUSSION OF ITEMS:**

**FEAB Attendance / membership:** Gary said that Tony appears to have self-resigned since he has had unwarranted absences. Kim will check and see if he has missed three unwarranted absences. She is under the impression he has two unwarranted absences (December 2020 and January 2021) since the new by-laws went in effect October 12, 2020. There was no quorum in November. Jim suggested Gary contact Tony so Tony is aware. Gary introduced a potential new member candidate, if there is a future vacancy: Jennifer Foutch.

### **FEAB By-Laws:**

Gary proposed new language for the FEAB by-laws which addresses number of FEAB members – increase to eleven- and allows time of meeting to be changed as FEAB sees fit. Amy noted that this change would change quorum from five to six in attendance. Mike, Amy and Nigel like the current time of the meeting (3 p.m. on Friday). Jim likes the idea of not setting the time in the by-laws. All agreed to wait on requesting new member

increase until after qualified and reliable people to fill the new slots have been identified / recruited (to avoid quorum issues).

By-laws draft amendment was proposed as a motion by Gary:  
Jim seconded the motion and the draft language was approved to be presented to council / Cory Martin.

DRAFT	DRAFT
ORDINANCE NO. ____ AN ORDINANCE AMENDING ORDINANCE NO. 1689, THE BYLAWS OF THE FAIRHOPE ENVIRONMENTAL ADVISORY BOARD AS FOLLOWS:	
ARTICLE II. MEMBERSHIP, Section 2. The board will consist of <b>eleven (11)</b> members. Members may be nominated by the mayor, city council or by other members. Members will be appointed by the city council. A member with unwarranted absence from three (3) regular meetings shall have resigned their appointment.	
ARTICLE III. OFFICERS AND MEETINGS, Section 4. <b>Monthly meetings will be held at a time determined by the Board as necessary to provide for regularity and greatest participation by the members.</b> Other special meetings may be called as needed.	
Effective Date - This Amendment shall take effect immediately upon its due adoption and publication as required by law.	
ADOPTED THIS ____ DAY OF _____, 2021	
	_____ Jack Burrell, Council President
ATTEST:	
	_____ Sherry Sullivan, Mayor
_____ Lisa Hanks, MMC City Clerk	
ADOPTED THIS ____ DAY OF _____, 2021	

Figure 1 By--Law amendment, draft

**Motions :**

1. *By-laws amendment increasing membership to 11 (TABLED) and changing time to allow for time changes without council approval (PASSED)*

### **Wetlands Ordinance**

Erik Cortinas, City of Fairhope Building Official, said he is organizing a one to two-hour charrette with City staff and stakeholders for Wetland Ordinance review. He prefers to wait until a non-Zoom meeting can be organized. He is unsure if this will be a public meeting or a precursor to a future public meeting. He is hoping to clear up and/or amend some of the gray areas within the ordinance. Current gray areas within the ordinance include but are not limited to jurisdictional versus non-jurisdictional wetlands which have impacted the protection of Grady ponds; some Grady ponds are being improved to be used as drainage areas; also logging activity is currently exempt to some extent within the current Wetland Ordinance. Erik noted that the City of Fairhope's wetland ordinance is stricter than the Corp of Engineers and most other municipalities. Gena Todia, Wetland Consultants, is usually called on as a third-party consultant for expert advice on wetland impacts and permitting. Kim said most Grady ponds are isolated wetlands, sometimes non-jurisdictional, and therefore exempt from some wetland permitting requirements. Amy mentioned the recent fill of a Grady pond on CR 13 at Manley Road. Erik said the property owner followed all wetland permitting procedures, including offsite mitigation credits, in order to fill this property. Amy asked Erik how FEAB can help him with enforcement. Erik encouraged FEABs involvement in the upcoming charrette and welcomes their advice. Erik will make sure FEAB is notified when a time and date is set.

### ***State Comprehensive Outdoor Recreation Plan (SCORP) Discussion (per Amy)***

*Amy discussed this program. The SCORP is a national program that serves as a guide for all public outdoor recreation in urban and rural neighborhoods, cities, and regions for a given state. Each state must prepare a SCORP every 5 years to be eligible for funding from the Land and Water Conservation Fund, which was established by Congress in 1964 to fulfill a bipartisan commitment to safeguard our natural areas, water resources, and cultural heritage, and to provide recreation opportunities to all Americans. The Alabama SCORP planning is led by University of AL (Brian Rushing). They have already designated 1,100 participants to be in their research panel, which includes Baldwin County and its municipalities. On Dec 18, 2020, they sent a Facility Inventory questionnaire and opinion survey to these participants. The Opinion Survey is due 1/25, and the Inventory is due 3/26.*

*Amy recommended that the FEAB figure out who are the local SCORP participants and help encourage them to take this engagement seriously and respond to the surveys in a timely manner. Money could come to our area to enhance public greenspace development (Dyas Triangle, other walking/biking/jogging trails, etc.) or other recreation facilities. In particular, Amy recommended that Fairhope needs to consider not just water recreation access, but a variety of recreation options that serve all residents and is commensurate with growth projections. In this way, the SCORP can tie into the Land Use Plan and Watershed Plan for recreation and greenspace planning and development designations.*

Kim recommended Pat White, Recreation Director for the city and would likely have an inventory of all parks/may be the POC for the SCORP due-outs.

Kim noted the city “Parks Brochure” drafted by FEAB 10+ years ago as a good starting point for the inventory. Parks Brochure does not include the Dyas Triangle property.

<https://www.fairhopeal.gov/home/showpublisheddocument?id=6408>

*ACTION ITEM: Amy will contact Jessica Walker and Pat White to determine who are the respondents for the 2021 AL SCORP review.*

***2021 Priorities Discussion (per Amy)** Amy recommended that the FEAB select and focus on a handful of priorities in 2021, organizing our agenda, actions, labor, and discussions around making real progress on these select initiatives. To begin the discussion, Amy recommended each member consider the following issues:*

1. *Meaningful participation in ongoing City planning efforts, including designating FEAB liaison to participate in/report on the following 4 Plans:*
  - a. *Climate Action Plan*
  - b. *Watershed Management Plan*
  - c. *Land Use Plan*
  - d. *Alabama Community of Excellence (ACE) designation*
2. *City of Fairhope Wetlands Ordinance enforcement – already underway; Erik Cortinas intends to facilitate a public information charrette later this spring and will request FEAB involvement*
3. *Dyas Triangle action (see follow-on discussion notes, below)*
4. *Rescoring of Community Resilience Index (CRI)*

*ACTION ITEM: Amy will prepare slides for the FEAB to discuss at the next meeting and ultimately present to the Mayor to introduce her to our Board. The slides will unify/organize us around the following elements: mission, vision, and 2021 priorities, including issue background, proposed outcome, action items, POC/issue lead.*

**Dyas Triangle Property:**

Amy recalled that at the Dyas meeting in Feb. 2020, Mayor Wilson stated that the Triangle at Highway 104 & Veteran’s Drive had been officially designated as “park” lands. A parks designation perpetually designates it for park use, whereas it cannot be sold or re-designated without due process. Mike said if this is true than the city would not need to pursue putting this property into a conservation easement, which does the same thing. FEAB would like to have a copy of natural resource inventory conducted by Gena Todia as a Triangle Conservative initiative.

*ACTION ITEM: Amy to forward to Michelle all the documents and research she compiled last year when she wrote the Resolution.*

*ACTION ITEM: Michelle will look up / confirm the deed and designation info for the land. Michelle will also contact the Dyas Triangle Conservancy; objectives of the call are: 1) touch base with them on any progress or current initiatives/involvement, etc. 2) extend "informal" invitation to our meeting next month/or future month where we hope to continue a discussion of next steps, 3) please request the most recent Todia Inventory/Natural Resources Survey, and maybe 4) let them know we are designating REAL MOVEMENT on this issue as one of our priorities for 2021 (- Ben urged caution here, though as they are intertwined in some of the subject baggage and we don't want to appear necessarily as partners as we go forward with the City,*

***Minutes taken from Mike Shelton, after 4 p.m.:***

*1) EAB members discussed at length past and present aspects of conservation of the Dyas Triangle (Triangle) and the need for gathering additional information. Melton stated the need for the Council to officially designate the Triangle as a park thereby designating a use that is not easily re-designated for some other use. Members discussed the need to acquire plans and studies from both the City and from the Triangle Conservancy. Discussion continued regarding the need to involve the public in the decision-making process and to explore existing proposals like longleaf pine restoration and mountain bike trails. Members expressed the need to hear more from the Triangle Conservancy group and the need to have a representative be invited to the February meeting. No official action taken.*

*2) Gover initiated a discussion about how the EAB could be more effective in its advisory role.*

*a. One item discussed was a joint meeting of some or all members from every City board/committee to learn about what each does and how they conduct their advisory roles. Amy has submitted a proposal to councilman Martin and Jessica Walker outlining the purpose and request for such a meeting, both of whom were excited by the idea and said they would take it up with the Mayor in early 2021.*

*b. The EAB discussed the need to attend other board/committee meetings and have members of other boards/committees attend the EAB meetings.*

*c. Gover expressed the need to have the City seek advice from the EAB on environmental matters which is something that rarely occurs.*

*d. (see discussion above on 2021 priorities): Gover, Horner and others added the need to identify issues that can be worked on by the EAB. Items included the climate action plan, an energy audit and the Community Resilience Index (CRI). Shelton reminded the EAB that the instrument had been updated. The EAB then talked about capturing the effects of storm like Sally that caused so much urban tree damage and damage caused by fallen urban trees. No official action taken.*

*3) James Watkins from the Fairhope Times was introduced to the EAB. Jennifer Foutch, Baldwin Realtors Association was introduced.*

4) EAB members were given assignments.

a. Shelton to bring CRI instrument for review.

b. Paulson is preparing some slides for the EAB to discuss at the next meeting and ultimately present to the Mayor to introduce her to our Board. The slides will unify/organize the EAB around the following elements: mission, vision, and 2021 priorities, including issue background, proposed outcome, action items, Point of Contact (POC) or issue lead.

c. (see discussion above on 2021 priorities): Melton assumed the POC for EAB Triangle activity. Melton will look up the deed of Triangle and designation info for the land and contact the Triangle Conservancy. Melton will seek current status and planned activities, inform them of the date of the next EAB meeting, and seek a copy of most recent resource inventory/survey  
Meeting adjourned after 4:00 p.m.

Next meeting is Friday, February 12<sup>th</sup> @ 3 p.m. Fairhope Delchamps Room (\*subject to change\*)

**FEAB CONTACT INFORMATION:**

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