

## FEAB MEETING MINUTES

June 25, 2021

3:00 p.m.

Fairhope Public Library Board Room, Fairhope, AL

**Member Attendees:** Gary Gover, Jim Horner, Michelle Melton, Jennifer Foutch, Ben Frater, Amy Paulson, Jeanine Normand,

**Members not in attendance:** Mike Shelton (warranted absence); Nigel Temple (warranted absence)

**City of Fairhope:** Mayor Sherry Sullivan; Hunter Simmons, Director of Planning and Zoning; Kim Burmeister, Christina LeJeune -Planning and Zoning Department.

**City Council:** None

**Honored Guests:** Jim Watkins (*Fairhope Times*), Gabriel Tynes (*Lagniappe*)

**Minutes taken by** Kim Burmeister

Gary called the meeting to order at 3:00 p.m.

*Summary of meeting:*

1. *Michelle and Amy will attend Work Session and Council Meeting July 12<sup>th</sup>, as requested by Mayor, to discuss deed draft for triangle property*
2. *Mayor would like FEAB to review Triangle Land Management Plan when complete*
3. *Topography study, tree inventory and land management plan of triangle property will soon be underway*
4. *Draft deed will be reviewed by FST after council approves it*
5. *FEAB requests prohibitions be listed on deed (to be included in draft language):*
  - a. *No buildings*
  - b. *No motorized vehicles*
  - c. *No high impact infrastructure*
  - d. *No impervious surfaces*
6. *City Map Viewer has less layers available for viewing than County Map Viewer*
7. *Mayor suggests FEAB reconsider time and/or day of monthly meeting*

### **FEAB Minutes:**

Gary made a motion to approve the June 11<sup>th</sup>, 2021 FEAB minutes, as amended (changed Amy to Michelle under "Steps Moving Forward" to work with Mayor. Minutes were approved unanimously.

### **Dyas Triangle Park Deed**

Gary handed out the Quit Claim Deed for the Triangle Property, attached. He reviewed a one-page document from Karin Wilson, 2019, attached.

Gary: Site should be referred to as an eco-system with carefully chosen language in the deed. "Preserve" indicates no human activity. "Conservation" use indicates public use with limitations on impact.

Jeanine: Preserve can be a noun or a verb. If used as a verb, the intent is different than if used as a noun.

Amy: ADECA grant requires ADA compliance. Hopes this will not cause impervious surfaces to be installed on the property. She said the list from the previous mayor Wilson has high level prohibitions listed which needs to be considered.

Gary: Referenced the Zoning Ordinance Article IX and the definitions of uses of spaces.

Amy: Does not want any buildings on the triangle property. Kiosks should be considered but not buildings. Interpretive Center will not be needed on site.

Michelle: Pelican's Nest building (now city property) could be considered as an educational or interpretive center.

Hunter: Bike maintenance facility is proposed on-site, but this does not have to be a building; it could be a kiosk or open-air structure.

Jeanine: Interpretation and educational component requirements could be met by identifying trees and areas of interests with placards, similar to the ones at Weeks Bay.

Hunter: Park deed/designation could state prohibited uses. This would be better than referring to the zoning ordinance in the deed. Zoning Ordinance can change, deed will not change. It may be easier to refer to prohibitions than to refer to allowances on the park deed.

Michelle: Modern park language should be considered for the triangle property deed revision. Refer to the flower clock park language, for example. Park name is important, this needs to be verified before deed is finalized. Dyas family must approve name. FEAB needs to work on draft language.

Hunter: Management plan for the area can change. Management of the park does not have to be written into the deed. Prescribed burns for example might be part of the initial management plan, which the mayor has Gena Todia working on.

Jim: We still need an up to date inventory for the site. We need to be discussing possible deed changes and language with Fairhope Single Tax.

Ben: We need the inventory before moving forward with deed revisions. Mayor will provide prior inventory to him (Triangle Conservancy – partial inventory).

Gary asked Hunter if PUD zoning of the site is an issue with park designation.

Hunter said PUD zoning is not an issue. Replat would only need to be done if parcels were combined or joined. Purpose of the park deed is to prohibit development. Preserving the triangle is the first goal (priority 1).

Vision for the triangle is the 2<sup>nd</sup> goal (priority 2- to come later). This includes trails, pine forest preservation, etc.

Mayor: Wants a draft of proposed deed language before the July 12<sup>th</sup> council meeting. She has been in discussion with Michelle on this. Draft will be submitted to City Council for review and possible acceptance, hopefully on July 12<sup>th</sup> Council Meeting. If approved, it will then be presented to Fairhope Single Tax. FST has asked for the council's blessing on the draft document before they (FST) review it. Mayor would like two members of FEAB to be present at work session on July 12<sup>th</sup>, and then at the following council meeting. She is having a topo study and tree survey of the triangle property done (Jade Engineering), and a land management plan drafted by Gena Todia. Specific projects will come later. She has a copy of the inventory from the Triangle Conservancy Group and will share with Ben (to share with group). This inventory was not complete. She would like FEAB to review the management plan when complete.

Gary: referenced management plan for Knoll Park.

Kim suggested a soil study of the triangle property to identify any potential wetlands and alluvial soils.

Amy referenced the on line site for historical soil studies ("Web Soil Survey"):

[Web Soil Survey - Home \(usda.gov\)](https://websoilsurvey.sc.egov.usda.gov/)

Jennifer: Suggests motorized vehicles, including motorized dirt bikes, be prohibited on triangle property.

Jeanine suggested cattle grazing as one possible use for part of the triangle property.

Kim referenced Fly Creek as being on the ADEM 303d list for pathogens from cattle grazing. Cattle grazing on the triangle property could create an increased concern for Fly Creek.

Ben will work on deed draft language with Amy.

Michelle and Amy will attend July 12<sup>th</sup> work session and council meeting. Ben will be out of town on the 12<sup>th</sup>.

Jennifer: Does the city anticipate adding any infrastructure to the triangle property?

Mayor: Only low impact infrastructure will be introduced to the triangle, if any. If infrastructure is installed at the triangle property, it will likely only be on the right of way of the triangle.

Hunter: Small cell towers, installed on utility poles, might be needed for connectivity.

Amy: Suggested language in the park deed restricting any infrastructure installed at or on the property be limited to that which blends with the environment. She suggests deed states mission and prohibitions.

**Other Business:**

Gary: City Map Viewer does not seem to have all of the information the Baldwin County Map Viewer does.

Hunter: City Map Viewer is for zoning purposes only, so only utilizes a few layers of the County Map Viewer. Information is from the same source.

Mayor suggested FEAB consider a time change from Friday afternoons for monthly meetings. Friday afternoon is a difficult time to have management staff at the meeting.

Gary will discuss with the group and consider amending by-laws to another day and/or time, if group decides to do so.

Jennifer said Friday at 3 p.m. is the best time for her.

Meeting adjourned: 4:00 p.m.

Next meeting is Friday, July 9<sup>th</sup> @ 3 p.m. Library Board Room

**FEAB CONTACT INFORMATION:**

Chairman:

Gary Gover [govers@bellsouth.net](mailto:govers@bellsouth.net) (251) 990-8662

Members:

Jeanine Normand [drjnormand@aol.com](mailto:drjnormand@aol.com) (251) 928-2284  
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**CITY CONTACTS:**

Corey Martin, City Council [corey.martin@fairhopeal.gov](mailto:corey.martin@fairhopeal.gov)  
Kim Burmeister, Planning and Zoning Department [kim.burmeister@fairhopeal.gov](mailto:kim.burmeister@fairhopeal.gov)  
Christina LeJeune, Planning and Zoning Department [christina.lejeune@fairhopeal.gov](mailto:christina.lejeune@fairhopeal.gov)

Attachment 1 & 2:

STATE OF ALABAMA  
COUNTY OF BALDWIN

**QUITCLAIM DEED**

KNOW MEN BY ALL THESE PRESENTS, that the CITY OF FAIRHOPE, an Alabama municipal corporation, herein referred to as "Grantor," for and in consideration of the sum of ONE DOLLAR (\$1.00) and other valuable consideration this day in cash in hand paid to Grantor by the FAIRHOPE SINGLE TAX CORPORATION, a corporation, chartered under the laws of the State of Alabama, herein referred to as "Grantee," the receipt of which is hereby acknowledged by these presents, the undersigned does hereby remise, release, quit claim, grant, sell and convey unto the said Grantee all its right, title, interest and claim in or to follow described real property situated in Baldwin County, Alabama, to wit:

**PARCEL 1:**

BEGINNING AT A POINT on the East right of way line of County Road 98, which is more particularly identified as Station No. 89 and 65 of the right of way map of Project No. S-635(3) as recorded in the Office of the Judge of Probate, Baldwin County, Alabama; thence North 47 degrees 29 minutes 52 seconds East along said right of way line a distance of 935 feet, more or less, to a point; thence turn an angle of 90 degrees to the right a distance of 10 feet; thence North 47 degrees 29 minutes 52 seconds East, a distance of 429 feet, more or less, to a point of curve; thence along a curve to the left having a radius of 1,145.92 feet, a distance of 569 feet, more or less, to a point; thence turn an angle to the East a distance of 60 feet, more or less, to a point on the West right of way line of U.S. Highway 98; thence South 20 degrees 8 minutes 38 seconds East, along said West right of way line, a distance 1,621 feet, more or less, to a point; thence South 34 degrees 45 minutes West distance of 57.49 feet; to a point on the North right of way line of Alabama Highway 104; thence South 89 degrees 40 minutes West along said right of way line of Alabama Highway 104, a distance of 1,665 feet, more or less to a point; thence turn an angle to the right of approximately 34 degrees, a distance of 190 feet more or less; thence turn an angle to the right of approximately 54 degrees, a distance of 50 feet, more or less, to the POINT OF BEGINNING;

Said parcel of land lies in the William Patterson Grant Section 8 Township 6 South, Range 2 East, Baldwin County, Alabama, and is a part and parcel of that property conveyed by the deed recorded in Deed Book No. 422, Pages 70 and 71, identified therein as Parcel No. Six.

Said triangular shaped parcel is bounded on the South by Alabama Highway 104; is bounded on the Easterly side by U.S. Highway 98 (4 lane) and is bounded on its Westerly side by what is called Baldwin County Highway 98.

PARCEL 2:

Beginning at a concrete block being the Southwest corner of the Forbes Grant, Section 7, Township 6 South, Range 2 East, Baldwin County, Alabama; thence run S-76 degrees 03'22"-W along the South boundary of said Forbes Grant, a distance of 875.08 feet; thence run S-39 degrees 56'38"-E, a distance of 185 feet, more or less, to the center of Fly Creek, the Point of Beginning, thence run Easterly along the centerline of Fly Creek, a distance of 1,850 feet, more or less, to the West right of way line of U.S. Highway 98; thence run S-19 degrees 37'38"-E along the said West right of way line of U.S. Highway 98, a distance of 420 feet, more or less; thence run S-04 degrees 40'-E along said West right of way of U.S. Highway 98, a distance of 194.4 feet, more or less; thence continue along the West right of way line of U.S. Highway 98 along a curve to the right, concave Northwesterly, having a radius of 1,025.92 feet, a distance of 384.97 feet, more or less to a concrete right of way monument; thence run S-66 degrees 03'09"-E, a distance of 30 feet, more or less; thence continue along the West right of way line of U.S. Highway 98 (alternate route) along a curve to the right concave Northwesterly, having a radius of 1,055.92 feet, a distance of 434 feet, more or less; thence continue along said West right of way line of U.S. Highway 98 (alternate route) S-47 degrees 29'52"-W, a distance of 729 feet, more or less; thence run S-42 degrees 30'08"-E a distance of 30 feet, more or less; thence continue along said West right of way line of U.S. Highway 98 (alternate route) S-47 degrees 29'52"-W, a distance of 660 feet, more or less; thence run N-81 degrees 10'-W, a distance of 51 feet, more or less, to the East right of way line of Baldwin County Scenic Highway 98 (old U.S. Highway 98); thence run N-29 degrees 18'-W along said East right of way line of Baldwin County Scenic Highway 98, a distance of 190.26 feet, more or less; thence run S-75 degrees 44'-W, a distance of 10 feet, more or less; thence continue along the East right of way line of Baldwin County Scenic Highway 98, N-14 degrees 16'-W, a distance of 924.5 feet, more or less; thence continue along the East right of way line of Baldwin County Scenic Highway 98 along a curve to the left, concave Southwesterly, having a radius of 1,989.4 feet, a distance of 735.7 feet, more or less, to the intersection of the South property line of land owned by Arthur and Ellen Dyas; thence run S-87 degrees 49'-E, a distance of 225 feet, more or less; thence run N-17 degrees 11'-E, a distance of 170 feet, more or less, thence run N-64 degrees 49'-W, a distance of 275 feet, more or less, to the center of Fly Creek; thence run Northeasterly along the center of Fly Creek, a distance of 275 feet, more or less, to the Point of Beginning. Said parcel of land lies in Section 8, Township 6 South, Range 2 East, Baldwin County, Alabama, and includes a drainage easement located on the West right of way line of U.S. Highway 98, being more particularly described as:  
Beginning at a point 145 feet West of U.S. Highway 98, Station 133+00; thence run N-49 degrees 22'22"-E, a distance of 65 feet, more or less, to the center of Fly Creek; thence run Southeasterly along the center of Fly Creek to a point on the West right of way line of U.S. Highway 98; thence run S-19 degrees 37'38"-E along the West right of way line of U.S. Highway 98, a distance of 75 feet, more or less, to the Point of Beginning.

Both parcels, collectively, are sometimes referred to as the "Dyas Triangle," and were previously deeded to the City of Fairhope by a warranty deed from Charles L. Dyas, Jr., a married man, Arthur C. Dyas, a married man, Pamela D. Vautier, an unmarried woman, Drew C. Dyas, a married man, and Eric J. Dyas, a married man recorded in Baldwin County Probate Court on December 30, 2013 (Instrument No. 1435575).

This conveyance is subject to the following:

1. Any and all liens, encumbrances, easements, right of way and all other matters recorded in the Office of the Judge of Probate, Baldwin County, Alabama.
2. Any and all defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of recording this Deed.
3. Any prior reservation or conveyance of minerals, and any rights associated therewith.
4. Rights of the United States of America, the State of Alabama, or other parties, in and to the shore, littoral or riparian rights to the portion of the Property described in Parcel 2 lying adjacent to Fly Creek.
5. Rights of ways of U.S. Highway 98, U.S. Highway 98 Business; Alabama Highway 104 and County Highway 11, as they now exist along the margins of the Property.

Recording references are with respect to the records of the Probate Court of Baldwin County, Alabama.

TOGETHER WITH all and singular the rights, members, privileges, tenements, hereditaments, easements, appurtenances and improvements belonging or in anywise appertaining hereto.

TO HAVE AND TO HOLD unto the said Grantee, its successors or assigns, forever.

This conveyance is subject to the following:

1. Any and all liens, encumbrances, easements, right of way and all other matters recorded in the Office of the Judge of Probate, Baldwin County, Alabama.
2. Any and all defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of recording this Deed.
3. Any prior reservation or conveyance of minerals, and any rights associated therewith.
4. Rights of the United States of America, the State of Alabama, or other parties, in and to the shore, littoral or riparian rights to the portion of the Property described in Parcel 2 lying adjacent to Fly Creek.
5. Rights of ways of U.S. Highway 98, U.S. Highway 98 Business, Alabama Highway 104 and County Highway 11, as they now exist along the margins of the Property.

Recording references are with respect to the records of the Probate Court of Baldwin County, Alabama.

TOGETHER WITH all and singular the rights, members, privileges, tenements, hereditaments, easements, appurtenances and improvements belonging or in anywise appertaining thereto.

TO HAVE AND TO HOLD unto the said Grantee, its successors or assigns, forever.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by its duly authorized officer on this the \_\_\_\_ day of \_\_\_\_\_, 2021.

GRANTOR:

CITY OF FAIRHOPE, an Alabama municipal corporation

By: \_\_\_\_\_

Sherry Sullivan

Its: Mayor

ATTEST: \_\_\_\_\_

City Clerk

*Figure 1 Quit Claim Deed for Triangle Property*

4/25/2019

Fairhope Triangle Property

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What is the scope of the conservation easement?

- Wanting to go to session with 80-90% complete easement

Northern Parcel

- No facilities less bathrooms: Southwest corner of property
- Potential Parking: Southwest corner
- Tunnel under 90: Southwest corner
- Low Impact
- Picnic tables
- Benches
- Pervious trails, pervious pads
- Boardwalks made from natural materials
- Biking and foot traffic
- No motorized, horses & livestock
- Dog
- Management
  - o Tree removal for hazards, invasive species, safety
  - o No tree removal for grass/fields
  - o Utilities
  - o Maintenance access roads, 20 feet
- Bank stabilization and erosion
- Planting
- Gopher tortoises
  - o Species of concern

Southern Parcel

- Pervious Parking: along the southern boundary
- Drainage management
- Utilities
- Arboretum, botanical gardens, horticulture installation
- Event space – limit size 1000 sq ft, open all sides
- Enclosed space – limited to 1000 sq ft, utilized only for environmental education and outreach
- Bathroom at parking area
- Foot traffic, no wheeled vehicles (bikes)
- Regional detention pond
- Wheeled access for maintenance vehicles
- Invasive Species management, no introduction of species

Figure 2 Notes from 2019, Karin Wilson