

FEAB MEETING MINUTES
February 10, 2017
3 p.m.
Delchamps Room, Fairhope, AL

Attendees: Gary Gover, Ron Allen, Tony Pritchett, Rick Frederick, Shawn Graham, Mike Shelton, Terry Hargroder

City Liaison: Kim Burmeister, Planning and Zoning Department; Robert Rohm, Gas Department Superintendent/City Harbor Board Liaison

City Council Representative: None

Honored Guests: Mary Mullins, Bella Graham

Changes to January Minutes:

Several changes were suggested; minutes were approved as noted with changes. Ron made a motion for minutes, as changed, to be accepted. Tony seconded the motion. Motion passed unanimously.

Alabama Ethics Law Book

Mike showed a copy of the *Alabama Ethics Law* book which has guidelines and responsibilities for advisory boards as well as City officials and employees. There are a lot of legal aspects regarding meeting rules and regulations. Mike said the FEAB needs to get clarification on the open meeting rule. How many can meet and not be in violation to ethics laws? Tony said that he had recently met on site at Eastern Shore Marine (end of Sea Cliff Drive) with Councilman Conyers, Lynn Maser (secretary to the Mayor) and two Harbor Board members, and he hopes this was not an ethics issue. Mike will seek more facts on open meeting rules and regulations to share with members of FEAB.

Clean Marinas

Rick gave an update on the Clean Marinas program. He said that the NEP is pushing this designation for Mobile and Baldwin County marinas. He and Auburn Extension representative Chris Miller have recently met with Fly Creek Marina operator Jenny Paradise regarding Clean Marina status for Fly Creek Marina. Randy Shanefelt (ADEM) and Rick were scheduled to meet with Jenny the following Friday. Jenny has been working on meeting the criteria for Clean Marinas. This marina does maintenance on boats but not as much as Eastern Shore Marine. Rick has also met with Tony Chavers, Fairhope Boat Company owner and Harbor Board member, regarding review of the City's commercial boat slips at Sea Cliff Drive (property adjoins Eastern Shore Marine property, which is also city owned). Rick and Tony both feel the City-managed commercial boat slip part of the Sea Cliff Drive property could easily attain Clean Marina status, but Eastern Shore Marina has a much higher priority since it does boat maintenance and will likely require more changes in upgrades and management in order to obtain Clean Marina status. Robert said Eastern Shore Marine's lease is up for renewal

in October 2017. Rick suggested the contract be revised to include guidance based on Clean Marina program language.

Tony said the FEAB can assist the City with proper language for revisions. Contract/lease must be sent out 6 months prior to renewal so time is short. Tony said the lease is not being enforced: he has obtained a copy of the lease (which is available at the City Clerk's office, upon request) and pointed out several aspects which are not being monitored (reinforcement of bulkhead is leasee's responsibility; fuel handling; chemical use, hazardous waste disposal and storage, etc.). Also authority and responsibility (City vs. leasee) needs to be established. Procedures for proper boat washing (how and where to maintain boats, what environmentally friendly chemicals can be used, etc.) need to be written in the new lease. The property is a gateway to Fly Creek and is an eyesore for the community. Tony has asked Kim to acquire a list of chemicals from Eastern Shore Marine on what is being used to maintain, repair boats. Kim is working with Robert on this list and will get with Eastern Shore Marine prior to the March meeting, regarding the chemical list. Gary mentioned that also the very end of Sea Cliff Drive is City property which has park-potential. There are actually two businesses on City property at the end of Sea Cliff Drive along Fly Creek: 17 Turtles and Eastern Shore Marine. He advised editing both lease contracts to include Clean Marina languages and practices, etc. Mike said that the Mayor, Councilman Conyers and the Harbor Board have all been involved in recent site visits to the marina area so all should be familiar with the site. Robert said that \$175,000 has been allocated for improvements to this property in 2017 which will include replacing fuel docks, repairing boat slips, and bulkhead work. Robert shared a list of proposed upgrades from the Harbor Board, attached. Engineer is currently working up the scope of work, so now is a good time to mention potential upgrades. Gary asked if the City has an arrangement with Chris Frances regarding use of the old "boat club" (previously Charlie Gay's property) which adjoins the City managed boat slip area. No one was aware of any agreement between Frances and the City.

Robert said the City is also about to upgrade the marina on the big pier, which is leased by the Shux restaurant.

Ron introduced this motion: FEAB requests the City review and revise lease contract language with leasees of marina areas and requests a determination of enforcement thereof. Tony seconded; this motion passed unanimously.

Mike introduced a motion, which he believes will make the Clean Marina status more attainable: FEAB request the City include attributes of Clean Marina guidelines in the new contract, and suggests the engineer of record review the language as well, for long term planning. Tony seconded this motion. Motion passed unanimously.

Alabama Current Connection, Newsletter

Rick Frederick gave out the most current copy of this NEP newsletter, which discusses the Weeks Bay Watershed Plan efforts.

FEAB, New Membership

FEAB 2/13/2017

Mike said that Nicole Love recently submitted an application for FEAB membership. He asked the board to vote on her as a member:

Mike introduced a motion for Nicole Love to be accepted as new FEAB member. Ron seconded the motion and it passed unanimously.

Meeting adjourned at 4:00 p.m.

ATTACHMENT:

Memorandum
To: Fairhope Mayor and City Council Members
From: Bob Riggs, Chairman, Fairhope Harbor Board

November 30, 2016

Re: Proposed repairs to City boat slips at Fly Creek

As you may know, the City "Harbors" include the Fairhope Pier and the property on the north side of Fly Creek from the entrance to the Bay, east and then up the creek about two hundred yards. The property from the Bay to the turn of the creek to the north is leased to Eastern Shore Marine under two leases. One lease covers the approximately 65 boat slips on the north side of the harbor (across from the Fairhope Yacht Club), and the other lease covers a substantial portion of the interior of the property. This latter parcel is operated by Eastern Shore Marine as a boat repair facility. These leases expire on October 14, 2017. In addition, the City maintains control of, and manages 30 boat slips from the northern turn of the creek to the end of the City property.

The revenue from the Harbor Leases for FY 2016, including the Fairhope pier lease, was \$96,473.00. On February 24, 2014, the City Council voted to earmark these funds for harbor maintenance. Since that time, none of these earmarked funds have been spent on maintenance of the property at Fly Creek.

Approximately two and one-half years ago, the Fairhope Harbor Board recommended to the City Council that approximately 80 feet of collapsing bulkhead at the northern end of the City-controlled property be repaired, and that the 30 boat slips be dredged. The Board obtained two informal bids for this work, both of which were slightly under \$50,000.00. No action was taken on this recommendation until this past July 11, 2016, when the Council passed a resolution to authorize a contract to repair the bulkhead for approximately \$179,000.00, including \$30,000.00 in engineering fees.

At the Harbor Board's regular meeting on July 13, 2016, members expressed surprise at this change in cost and reduction in scope of work (minimal dredging was included). Soon after, Board member Tom Yeager accompanied Mayor Kant and Councilman Burrell on a visit to the site to compare the scope of work in the contract with that which had been recommended.

Based on those observations, and comments from other Harbor Board members, the Council voted on July 25, 2016, to rescind the contract, and asked the Harbor Board to present a revised scope of work with estimated costs. A detailed list of recommended improvements with estimated costs was compiled and presented by the Harbor Board. The total estimated cost was \$109,000. (See attached.)

Subsequent refinement of the description and cost has reduced the total estimated cost to approximately \$80,000.00, including engineering fees.

In addition, the Board was asked to identify an engineer qualified to certify the project at a fee less than the \$30,000.00 in the rescinded contract. Cristin Faircloth, with FMS Engineering in Mobile, was identified and has been vetted by Dan Ames, City Purchasing manager, as required by City regulations. She has quoted a fee, not to exceed \$5,200.00, to design and certify the project.

Apparently, what is necessary to move the project forward is for Ms Faircloth's proposal to be approved by the Mayor and/or the City Council so that she can write a detailed scope of work

Done 10/10/16

and put it out for bids. We hope that this step can be taken at the City Council meeting of December 12.

I also want to remind the Council and Mayor that the Fly Creek property is a wonderful asset for Fairhope, and with gradual improvements, it can welcome nautical visitors and be a marine facility that we can all be proud of.