

FEAB September 2018

FEAB MEETING MINUTES
September 14, 2018
3:00 p.m.
Board Room, Public Library, Fairhope, AL

Member Attendees: Gary Gover, Jim Horner, Ben Frater, Jeanine Normand, Ron Allen, Mike Shelton and Rick Frederick

City Council: Jimmy Conyers

City of Fairhope: Kim Burmeister, Planning and Zoning Department; Erik Cortinas, Building Official; Richard Peterson, Utility Superintendent

Honored Guests: Mary Mullins Redditt

Minutes taken by: Kim Burmeister

FEAB MINUTES:

June minutes were approved with one amendment recommendation from Rick: "Habitat Restoration": revise 4th sentence to read "steering committee will be formed".

Discussion of Items:

1. Red Soil & Clay Ordinance Revisions

Jim Horner discussed recent red soil & clay impact at new subdivision under construction "Van Antwerp" off N. Mobile Street. According to municipal ordinance # 1423, red soil and clay is prohibited from being used within 100' of a critical area, including wetlands and gullies. Red soil & clay is however allowed to be used from one part of the site to another part of the site (even within 100' of a critical area). This happened at Van Antwerp and red soil and clay was brought from one part of the large site to another downhill part of the site (abutting a gully). Jim is recommending language changes to the Red Soil & Clay ordinance # 1423 to prohibit this from happening again. Recommended changes are meant to prohibit the use of red soil and clay from being dug up and reused on site if placement will be within 100' of a critical area. Also the proposed changes will give a definition of "red" by defining certain colors as listed in the Munsell Soil Chart book. The clay content can be measured through testing but the color is currently an opinion-based call. The Building Official is ultimately responsible for enforcing the red soil and clay ordinance, though Planning Dept. Code Enforcement personnel is also involved through BMP inspections. The use of Munsell colors will help scientifically define prohibited colors. Erik said that roads and driveways should be excluded from the ordinance as you must have a hard compacting material for road bases. Jim feels that roads should be exempt but not driveways. Jim mentioned that when discussing possible revisions with Wayne

Dyess, Planning and Zoning Director, Wayne mentioned that an internal meeting with staff would be appropriate before council considers amendments.

Erik will talk to area dirt pits to discuss alternative mixtures before any amendments are passed.

Mike will check with Orange Beach to see what obstacles they have encountered with their restrictive soil ordinance. Erik mentioned that Orange Beach has a different objective because they are wanting to protect their white-sand beaches. Fairhope wants to protect all critical areas but has no white sand beaches.

Jim made a motion:

Gary seconded the motion. Ron abstained due to lack of information on the subject. Otherwise the motion was approved by everyone but Ron.

Motion: FEAB should put together a formal red soil & clay amendment recommendation for consideration by City Staff and ultimately City Council.

2. Storm Water Fee

Jim discussed Mobile's recent adoption of a stormwater fee to be imposed to residents in 2019. \$10/resident per year and maximum of \$3,000 per commercial entity per year (commercial is based on square footage of the building). These fees will be collected through property taxes. The Mobile stormwater fee initiative is the result of 2014 state legislation through the Clean Water Act, allowing municipalities the ability to collect stormwater fees. Jim said the City of Fairhope currently has no funding to address stormwater proactively and this would be one way to do it. Stormwater fees collected must be earmarked for stormwater projects but can be used as matching funds for stormwater related grants. Jim estimates that no less than \$80,000 per year would be collected just from residents alone, if this were enacted in Fairhope. Mike mentioned Jefferson County's failed attempt at stormwater fees. Jefferson County elected \$5 / resident / year and it was not enough to do anything with. Make sure we ask for enough to do something with. Baldwin County's previous attempt at passing a "rain tax" failed because the proposal was considered too high at \$40/year for residential. Mike said it is also important to have shovel-ready projects to list when proposing a stormwater fee. Residents will want to know exactly where the money will be going. Erik mentioned impact fees which are not marked for stormwater but may be available for some stormwater improvement projects. He also mentioned new building code updates in 2019 will mandate 15" above grade for floor elevations. This may help alleviate some stormwater/flooding concerns. Erik mentioned the misconception in the term "flooding". Water in your home is a flood concern. Water in your yard for less than 72 hours is not a flood concern. Ron recommends FEAB gather more information before making any formal proposals or motions. For instance, we need to know how much will be received (how many residential and how many commercial accounts do we have in the city limits, for example). Kim and Jim will work together to gather this information. Jeanine thinks a small fee is better than no fee and she recommends FEAB start working on this proposal immediately. Gary recommends this be brought up at the next council meeting work session

(Sept. 24th) for a 10-minute presentation to offer council some figures on how much could be received.

3. Fly Creek Bacterial Monitoring and Watershed Management Plan

Mike discussed AL Water Watch efforts on Fly Creek. He would like more volunteer monitors. Mike proposed City purchase the media and then AL Water Watch could use their volunteers.

Jimmy said Councilman Brown wants to continue using Mobile Bay Keepers for water testing of Fly Creek. Brown wants to know if the high counts are coming from humans, birds or mammals. Rick said that the upcoming Fly Creek Watershed Management Program will include pathogen testing. He mentioned the boundaries of the FCWMP will extend beyond the Fly Creek Watershed and will include bayfront watersheds from Barnwell to Daphne. Rick asked that the FEAB provide one or two representatives to attend an upcoming meeting to discuss initiation of the watershed management plan. Jim said he will sit in on this. Kim suggested Nicole. Jeanine said she could attend if needed. Date to be announced. Richard showed FEAB a watershed map and noted that there are old infrastructure/ pathogen concerns in the downtown watersheds (Tatumville, Big Mouth, Stack gully) more pressing than in the Fly Creek watershed. He also is focusing on human infiltration, not mammalian or bird sources. He is only focused on that which he can do something about. He can't solve the bird/mammalian problem but he can help to solve the human pathogen problem so this is what he is focused on. Utility dept. does camera and smoke testing to help locate infiltration spots. He did not see the marinas as a big source for pathogens. Gary thought boat live-a-boards might be a source of pathogens because the Fairhope Docks currently has the only operating marine pump out (he said the one on the big pier is not currently operating).

Meeting adjourned at 4:00 p.m.

Next meeting scheduled for **October 12th 3:00 p.m.** (Board Room, Public Library)

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