



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, June 2, 2014

3:30 PM

Conference Room

Work Session

Call to Order

Council President Wayne Trawick called the meeting to order at 3:44 p.m.

Roll Call

All Council members were present with the exception of Council member Hellmich who was running late due to the time change of the meeting. Others present: Mayor John Koniar, Mike Thompson, Sandra Pate, Vickey Southern, Katy Taylor, Don Staley, David Wilson, Katy Hines and Thad Akins (Cross Country FHS), Nelson Bauer, Chad Brewer, Leslie Gahagan, Dana Overton, Steven Smith, Albert Lugo, Richard Humphrey, David Vosloh, Taylor Davis, Marc D. Anderson (Press Register), Cathy Higgins (Foley Onlooker), Michael McGowin, Sue Steigerwald, Joe Aldrete, Randy Kurtts, Meg Hellmich, Suzanne Kellams, LaDonna Hinesley, Thurston Bullock, David White, Sam Jackson (OBFD/Pink Heals), Asher Michon (OBFD), and David Adams (David Adams Architect).

Present: 5 - President Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

Discussion Items

14-0373 Discuss going to bid for the dog park

Attachments: [Dog Park Plan-DWG-01 Site Plan.pdf](#)
[DOG PARK PARKING OPTIONS.pdf](#)

Randy Kurtts reported he obtained a base price consisting of 62 fully paved parking spaces in an amount of \$180,000. Alternate 1 consists of 25 paved parking spaces located east of the park entrance with the remaining spaces gravel in an amount of \$155,000. Alternate 2 consists of ten paved parking spaces adjacent to the east sidewalk with the remaining spaces gravel in an amount of \$140,000. After discussion there was a consensus to go to bid. This item to be moved to the Council meeting agenda for formal action. Councilman Hellmich arrived during this presentation.

14-0374 Discuss removing the Eastern Red Cedar tree in John B. Foley Park

Attachments: [Christmas tree backup.pdf](#)

Suzanne Kellams reported the Eastern Red Cedar tree located in John B. Foley Park is looking really bad and it is time to have it removed. In 1998 the Beautification Board discussed having the tree removed due to it's poor condition and have it replaced with another tree that was planted behind the existing tree during Arbor Day of that same year. The Abies Firma (Japanese Fir) was the only fir tree known to grown in this area and is now big enough to be decorated during the Christmas holiday season. There was a consensus to move forward with this item.

14-0377

Discuss an Archery Event, an Extreme Sports Event and Multi Purpose Building

Attachments: [FOLEY SPORTS TOURISM PRESENTATION\(1\).pdf](#)

PowerMan

Don Staley reported the City has the opportunity to bring PowerMan USA Duathlon to the Graham Creek Nature Preserve. A Duathlon is a Run-Bike-Run event that encompasses 6.2 miles for the first run, 37.2 miles for the bike component and 6.2 miles for the final run. Foley could be the regional site for this event. The closest race is held in West Palm Beach, Florida and the other locations are Austin, Texas and California. The event brings between 400 and 950 athletes and 1,000-2,000 spectators with an estimated economic impact of a half million dollars. There is a bid fee, which is synonymous with these types of sporting events, of \$5,000 plus City of Foley services with an anticipated five year contract. The event begins in November and the City can use its own assets. This item is on the Council agenda as an individual item and remained there.

Tough Mudder

The next event Don asked Leslie Gahagan to speak about since the Tough Mudder event is along the lines of the Mud Run and the YMCA's Creek Crawl event this past year. Don has been actively seeking this group for the past seven years and had no luck in getting them to come to Tuscaloosa, but when they came for a site visit they were very impressed with Foley and the Graham Creek Nature Preserve. Leslie reported the Tough Mudder event is a 10-12 mile obstacle course designed by British Special Forces to test all-around strength, stamina, teamwork and mental grit. It is a world class event and the proceeds from the event, which is approximately \$6 million, goes to the Wounded Warriors. At this point a video was shown. A month prior to the two day event, which is held on a Saturday and Sunday the company that puts this on will come and set up the props and after the event will restore the property as it was prior to the event. Tough Mudder attracts 8,000 - 25,000 participants in a single weekend at events in the U.S. and Europe. Spectators range between 10,000 to 30,000. The economic impact will put Foley on the map for Extreme Sports Events and Adventure Tourism and they are looking at the Gulf Coast for their next destination location. Estimated impact for hotels will spill over to neighboring cities, with a minimum \$2 million impact for our area and if it is successful it would mean a three to five year contract. Graham Creek Nature Preserve is an ideal facility. February 21-22, 2015 is the anticipated date. There is a large bid that can be reduced by the number of City services offered for the event. It isn't an individual sport that you go to win but the people who win and are most effective are those in teams. Don reported that Foley has experience staff in Leslie in hosting such an event. They will need to know something about whether or not the Council would like to move forward on this as they have to let Tough Mudder know tomorrow. There was a discussion

regarding parking and Leslie reported they have looked at off site parking on CR8 and the Foley Beach Express and they also want to speak with Tanger Mall representatives to see the availability of their parking lot. Having Philomene Holmes Blvd. paved this year and next year more paving could be done to complete the road.

ASA Archery

Don Staley reported Foley has some outstanding archers who are National Champions. ASA Archery is known for 3D Archers and Graham Creek Nature Preserve would be a perfect location for the late August 2015 event. He has been in pursuit of this organization for the past three years. People that hunt attend this event, which has been held in Newberry, Florida; Phoenix City, Alabama; Paris, Texas; London, Kentucky; and Metropolis, Illinois. When they did the site visit Leslie dropped what she was doing to meet with them. They are very impressed with this location and want to bring their championship games here. They will need a building for the vendors and plumbing facilities for staff. This event will have an estimated total event spending of \$1.2 million. The bid fee is \$10,000 and they will waive \$5,000 if certain city services are provided for the event. Don has worked with him in the past and he is very reliable when it comes to reducing fees for services. If this is approved for moving forward then Don will meet with the various City Department Heads regarding city services that the City will be required to provide.

Multi-Use Facility

Leslie Gahagan distributed a handout on a Graham Creek Preserve Multi-Use Facility. The 485 acres allows Don to expand on his perception on what types of events can come to Foley. Don reported the key to bringing ASA Archery here is the building that the sports event will need and will be a catalyst for other local and national events. The building can be used for wedding receptions, educational and community events that will generate revenue for the City year round. The building would be 11,845 square feet under roof and 5625 sf would be inside. The handout showed estimates from a local contractor estimating the cost of the building to be \$1.2 million. The revenue projections for the events showed that the building could be paid off in eight years. Philomene Holmes Road is due to be paved this year and only 3,000' would be left to pave to go through to the building and then on to Wolf Bay Drive.

When asked if grants were available for such a building Leslie reported there are grants available but there are hefty requirements that the City has not been willing to do in the past in order to obtain such a grant. If the events are to come they will need the building by August 2015. After further discussion there was a consensus to move forward with the details on what it would cost for such a building. Mike Thompson reported that the Mayor, Wayne, Jeff and he would be going to New York to meet with the bond company and they could roll another capital item into the bond issue if the Council chose to.

Leslie further reported the plans could be done by October and then after bids were let construction could begin and be completed by August 2015. The Archery group will need to know if Foley will be able to get the building done for their event.

The Council's consensus was to move forward in obtaining the design and construction costs for the multi-use facility.

Discuss Council Meeting Agenda for June 2, 2014

14-0348 Sinkhole Repair on West Peachtree Avenue Caused by April Flooding - Taylor reported Public Works investigated the corrugated pipe every 30'-40' and discovered soil being sucked into the pipe. R&S Paving and Grading submitted a proposal to install a mat on the inside and outside of the pipe at a cost of \$14,000. The 5' pipe is down approximately 18' deep and the bands around the joints were too thin. The mat looks to be 3" thick and will work for the area of just the sinkhole. When asked about a smaller sinkhole on Cedar Street Taylor reported this is sewer pipe that Riviera Utilities knows about. This item remained on the Council agenda.

14-0357 Request for partnership with Foley High School Cross Country Team for the Corpse Crawl 5K at Graham Creek Nature Preserve - Leslie reported that Katy Hines and Thad Akins are present and Katy has been well known for running 5K races for many years. This event would be routed through Foley and 80% of the donations would go back to the team. They will need volunteers to help out but have a limited number for Zombies. Pensacola, Florida has been very successful with this event, which is a good community event. This item remained on the Council agenda.

14-0365 Records Request Forms - Vickey Southern reported the City needed to have some type of procedure for citizens when they request records from the City Clerk's office. Currently, the staff have been stopping what they are doing to get the documents and charging a \$0.25 per page fee for letter size copies and \$0.35 per page for either double sided or legal size copies. President Trawick expressed concerns about emailing pdf files since there are adobe programs that will let people manipulate documents. This item remained on the Council agenda.

14-0367 Authorizing Agreement with Flat Rate Procession d/b/a GovtPortal to Provide Credit Card Payment Processing Services - Meg Hellmich reported several municipalities are accepting debit/credit cards for payment. She recommended going with Gulf Shores Municipal Court's recommendation to use Flat Rate Processing d/b/a GovtPortal as there are no monthly fees or charges to the City for processing services or required equipment. There is a 3.5% "convenience fee" that is charged to the customer for using their debit/credit card. Occasionally there are discounts or interchange fees but if this does occur then the fee is taken out of the convenience fee charged to the customer. The agreement is non-exclusive and can be terminated with seven (7) days notice. She and Brandy would like to begin with their departments first to see how well it works and then if Recreation and CDD want to be included then they can be added. Brandy will begin with over the counter and over the phone service. Casey Pipes has worked with them on the contract and the agreement satisfies all of Casey Pipes' concerns. She asked the Council to consider allowing the City to accept credit cards as a means of payment and authorize the Mayor to sign the agreement. The City does not have any liability with using this service. Councilman Hellmich thanked Meg for doing a good job on this project. This item remained on the Council agenda.

14-0368 (First Reading) Amendment to Ordinance No. 1018-07 Business License Ordinance relating to half year license fees - Meg reported in 2006 the

State Legislature adopted the Business License Reform Act and the Alabama League of Municipalities drafted a model ordinance for municipalities to adopt. However, it left out just a few but very important words. The amendment will change the City's ordinance to mean that only the very few fees that are flat rate instead of gross revenue would be pro-rated to have rate on July 1. All gross receipts based license fees will be full rate. In speaking with Ken Smith he agreed that this is the correct interpretation and that we should make this change. This item remained on the Council agenda.

14-0372 Reject all bids for Construction of an additional Fire Station and Approves Rebidding - Chad Brewer reported the bids came in over the amount in the Capital Projects Plan (\$619,000). David Adams, Architect, reported his firm has done several fire stations and they need to re-evaluate the project to see if the price can be brought down by reducing the combination of materials, omitting the \$20,000 landscaping portion that could be done inhouse. The concrete block has gone up in price. He will poll the contractors and subcontractors to see if they can come up with the same size and functionality with the desired result. This item remained on the Council agenda.

14-0375 Drainage Improvements at North Pine Street and West Fern Avenue - Taylor reported Resolution 14-0201-Res contained conflicting verbiage regarding the drainage issues being either repairs or improvements. This resolution clarifies that they are indeed improvements and not repairs. This item remained on the Council agenda.

14-0376 Gulf Coast Gospel Jubilee Saturday, October 4, 2014 9:00 a.m. until 5:00 p.m. at Foley Soccer Complex - Chief David Wilson reported Community Relations Officer Al Lugo and Detective Richard Humphrey have been working on this project. Pastor Joe Aldrete is also working on the project and is the main chaplain with the Baldwin County Sheriff's Office. He works with officers and people that need assistance. Officer Lugo reported he and Det. Humphrey came up with the idea of having a Gospel fundraiser to help Care House and the Lighthouse, which help victims from abuse. Their funding has been cut this past year as grants have become less obtainable and other fundraisers have not gone well. They need financial assistance. Foley also has some great talent. They are working with Foley First Baptist Church, various other churches and local businesses in Baldwin County. They plan to hold the event on Saturday, October 4th at the Foley Sports Complex. Food vendors and churches can provide food booths and all the proceeds will go to Carehouse and the Lighthouse. The businesses will donate 15% of their profits. These will be tax deductible as Pastor Joe Aldrete has set up a special checking account to keep track of all expenses. Chief Wilson reported that they have worked with Pastor Aldrete on food drives and he is trustworthy. Officer Lugo further reported that Pastor Aldrete will be spearheading this event. There will be two stages and they will have one person in charge of the stage set ups. This item remained on the Council agenda.

14-0379 Approval for Dia dela Raza Festival Sunday, October 19, 2014 at the Foley Soccer Complex - Officer Lugo reported this event represents Spanish heritage Month and Columbus Day. They have lots of support from Spanish Ministries. This year's event will have better entertainment and include Ms. Foley Latina Beauty Pageant. The Latino Club will be setting up and cleaning up. There will be lots of good food and presentations. They had the Ramp Corp. last year. They are looking forward to this year. This item remained on

the Council agenda.

14-0380 Drainage Improvements in the Alley at South Alston Street and West Orange Avenue - Taylor reported the businesses along the alley have been experiencing flooding in their shops as the road has built up over the years but the building's elevation has remained the same. HMR has submitted a proposal in the amount of \$1,500 to correct the problem. This item remained on the Council agenda.

14-0381 Authorizing the transfer of \$5,000 for CDD Part-time, Temporary Employee - Leslie reported an Easter Seals employee was helping them but he was redirected to another project. She has some funds left over from another project that won't be used that could be used to hire a temporary, part-time person. This item remained on the Council agenda.

14-0386 Amends Resolution 14-0141 - Suzanne Kellams reported this is an item included under the grant. The Council approved going to bid under Resolution 14-0141 for three ten (10') foot ceiling fans for the Farmers Market. However, MCS Construction can purchase the fans for less than the minimum requirement for going to bid. The request is to purchase the fans from MCS Contracting in the amount of \$14,975. This item remained on the Council meeting agenda.

14-0388 Declaring recently replaced Civic Center stage lights as surplus and authorizing the disposal of the same - Mike McGowin reported there are nine lights that need to be declared surplus and Playhouse In The Park, a non-profit organization from Mobile, Alabama, would like to purchase the lights regardless of their working condition. Councilman Ebert expressed his concerns about selling lighting that doesn't work to a non-profit organization and recommended making the lights a donation rather than selling them. There was a consensus to approve a donation. The resolution should be changed to reflect the donation instead of the sale. This item remained on the Council agenda with the change.

ADD ON's:

14-0389 Consider 050-Retail Beer (Off Premises Only) and 070-Retail Table Wine (Off Premises Only) ABC License location to location transfer from Dolgencorp LLC, applicant under the trade name of Dollar General Store 6815 previously located at 151 East Riviera Blvd, Foley, Alabama to Dolgencorp LLC, applicant under the trade name of Dollar General Store 6815 located at 1704 South McKenzie Street, Foley, Alabama. - Dollar General's new store location will be opening June 19th and they requested the license location to location transfer be approved. This item was added to the Council agenda.

14-0390 Amend Resolution 14-0156 regarding JT Barmes - Mike reported there was a typo in the resolution stating the purchase price was \$150,000 when it should have been \$350,000. Also needed to include an agreed amount of 50% of the costs incurred by Vamonos for the dividing wall and closing costs in an amount no greater than \$25,000. Vamonos is to submit invoices for payment. This item was added to the Council agenda.

14-0332 Waiving rezoning fees for Magnolia Land Company - Mike reported in an effort to annex certain property owned by Magnolia Land Company and gain additional right of way needed to extend Fern Avenue West to the Foley Beach

Express Mr. Foley requested waiving the rezoning fees to rezone a portion of his property. There was a consensus to approve waiving the fees in the amount of \$1,460 and this item was added to the Council agenda.

Mayor's Comments


Mayor Koniar asked if the annexations were being submitted to the Department of Justice for pre-clearance. Mike Thompson reported the DOJ does not require the City's to do this any more.

Visitor's Comments

None to report.

Adjourn

Hearing no further comments the meeting adjourned at 5:06 p.m.



J. Wayne Trawick, President



Katy Taylor, Acting City Clerk