



**Meeting Minutes - Draft  
City Council**

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Thursday, November 20, 2014

4:00 PM

Conference Room

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**Work Session**

**Call to Order**

Council President Pro-tem Ralph Hellmich called the meeting to order at 4:00 p.m.

**Roll Call**

All Council members were present with the exception of Council President Wayne Trawick, who was out of town. Others present: Mayor John Koniar, Mike Thompson, Vickey Southern, Dana Overton, Randy Bishop, Steven Smith, Sue Steigerwald, Dona Staley, Taylor Davis, Chad Christian, LaDonna Hinesley, Leslie Gahagan, Joey Darby, David Thompson, Jeff Rouzie, David Vosloh, Kevin Leaser, Mike Quin, Mike Murphy and press representatives Cathy Higgins (Foley Onlooker) and Marc D. Anderson (Press Register/AL.com).

**Present:** 4 - Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

**Absent:** 1 - President Wayne Trawick

**Discussion Items**

Economic Development Director Jeff Rouzie reported before the Council begins he wanted to introduce

Prior to moving on to the Discussion Items President Pro-tem Hellmich reported Kevin Leaser would like to say a few words about the governance. Mr. Leaser thanked the Council's working relationship with him and Warren Averett. A letter was circulated that Council had not yet had time to review prior to the Work Session. The letter is the auditor's communication with those charged with governance. It is an opportunity for them to come before Council prior to starting the audit during the planning stage to establish a communication mechanism. Their team works very closely with the City, the Finance Department and you don't see us until we are ready to present the packet of the financial report. The letter also outlines exactly what their plans are for the audit, what they will be auditing and talks about the Management Discussion Analysis (MDA's) they have reviewed. They assist Sue in proofing it and compiling it. This past year they assisted with the Comprehensive Annual Financial Report. He congratulated the City on getting that award as it is a huge accomplishment. There are a lot of items in the letter. Their primary responsibility is to audit and issue an opinion on the financial statements. They will look at internal controls of the City and they will look at it for the purposes of determining the number of transactions, the extent of auditing

procedures they will perform but they will not issue an opinion on the internal control (See paragraph 2 under Our Responsibilities US General Accepted Auditing Standards). The third paragraph states laws, regulations, contracts and grants in the first section; they will test those but will not issue an opinion. The primary purpose is to determine the extent of the procedures they will perform. Most people think that when they come in to do an audit the auditors look at everything but they do not. They spend 400 hours on the audit and they would have to be here six months to look at every transaction. An audit does not take that into consideration. You plan the audit to look at enough to gain enough understanding and a level of comfort that they can issue an opinion. They will perform limited procedures on Required Supplementary Information Management Discussion Analysis and will not issue an opinion on them. The next page reviews items they will issue an opinion. The statistical information will be reviewed but not audited and no opinion will be issued on them. The last section of the second page discusses the scope and timing of the audit. Sue is in the process of closing out the end of the year and he understands they will have the books and records available next week. They will start the audit the following week. Mr. Leeser reported they are shooting for a March 31, 2015 delivery date. He wanted to make sure that the Council knew if they had any items of relevance that you want to bring to their attention they need to call them. They will be on site and the week after Thanksgiving they can call his office with any concerns or things that you want the firm to look at closer, etc. He thanked the Council for their relationship with Warren Averett.

President Pro-tem Hellmich reported it has been a pleasure reviewing the documents.

14-0855 A Resolution Approving Disclosure Controls and Procedures and Certain Related Matters - Mike Thompson reported SEC there is some house cleaning for previous bonds. At this time Vickey Southern phoned Heyward Hosch. Heyward Hosch reported this is a bond administrative matter in response to a program that the Security and Exchange Commission has initiated this year. They have expanded on the continuing obligation requirements that the City has and the City has done it recently in the last bond. You post your audit each year within six months after the end of the year on the SEC's website, also known by the acronym, EMMA. What they had for a long time that nobody paid any attention to it, and no one did it and the market did not care, was a provision in the definition of the official statement they want you to describe in the five (5) years preceeding the date of the official statement or any occasion that you did not comply with the continuing disclosure obligations, i.e. late filings, no filings. Nobody paid attention to that because at the time of doing deals we focused on what we were doing and going to do. There were a number of omissions and inaccuracies across the board and the SEC decided to put a stop to it and enforce that provision. This has nothing to do with what you do or don't do and everything to do with what you said or didn't say in the OS looking on the backwards five years. The problems that everyone has is it is very difficult looking back five years from some official statement. The only ones that would have five years of history on the SEC website would be the ones done in the latter half of 2014. The SEC came up with this program that will expire 5:00 p.m. on Monday, December 1, 2014 saying that if you just report that you may or may not have an OS that satisfies that standard then they will deal with you in a very lenient way. In other words they have a settlement agreement where you have agreed to adopt the disclosure policy, which we sent you, and that you will have training, which

we are going to do, and that you won't make those mistakes again but they won't fine you. We think that is very advantageous for the City since we can't look back as well as we would like and figure out if you are vulnerable or not. We think you should go in with the herd and get this taken care of under very favorable circumstances. We are not charging for this and they are not charging for this either. We are not changing what you have to do because we have to continue to disclose anyway. Someone described it as finding a solution looking for a problem. He has 16 companies he is dealing with and it is a National mess in dealing with it. He apologized to take the City's time and trouble but it is in the City's interest to adopt the policies and move on. He sent five items: 1) a covering memorandum, which doesn't need to be passed or signed; 2) the questionnaire, which has to be signed and filed prior to Thanksgiving; 3) Minutes of the Resolution approving the Disclosure Policy, which needs to be signed; 4) Policy, which does not need to be signed; and 5) the Engagement Letter for themselves that describes what they are doing but providing that we are not expecting to be paid and will not invoice the City. This is the case for all the people he is working for and protects.

#### 14-0826

#### Discuss Sports Tourism Events To-Date and Upcoming Events

Don Staley reviewed a PowerPoint and highlighted the tourism group in Tuscaloosa regarding what they did in the past to be able to come to where they are today. They are a full service sports commission, which means they have bidding events and staged events and to do this they needed "toys". The Foley Sports Tourism has a new logo on tablecloths, tables, trailer, generator in the trailer, flags, a tent and 60 pounds weights so that the tent doesn't blow down. One thing he brought with him was knowledge that you have to be front and center and they are projecting an image through marketing on their toys so that you can see Foley coming whether it is here locally or on the road.

He apologized the wireless mic did not work correctly for the Tour de Foley. The next morning we were lucky to have the PD come over with their high tech guys were able to figure that out. Whatever we have in the trailer, sound system or 250 cones, for an event that is the City's and for anyone that needs to borrow it. The first convention we had some material that was very busy and now we have a marketing firm that is knocking it out of the park. The first thing that she said to me was, "Wow, that's busy!" We need to simplify it. The last trade show got the visibility they wanted and people commented on it. He compared the photos pointing out the map at the bottom of the page to show where Foley is located. LaDonna and Fletcher did a great job at putting this together.

Lawnmower Racing - In the beginning you start with single events. We have delayed site visits because we want them to have something to see that is tangible. In Tuscaloosa there is a young, lean 6'8" man named Deontay Wilder, who is the #2 heavy weight in the Country, was a basketball player, and went into boxing. He went to the Beijing Olympics and was the only American in the last two Olympics to medal (bronze medal). They raised \$10,000 to send his mother to Beijing and logoed her up with Tuscaloosa flags and she was on NBC. No one gave Deontay a chance and now he is the number two heavy weight in the world. That is called "planting seeds". There was not a lot of economic impact in those first events in Tuscaloosa but they sold out Shelton State Community College with standing room only. They also hosted an event

at the amphitheater.

The Lawnmower Racing events are considered a small thing that you bring in to increase your resume and for diversification. This gentleman has looked at the Horse Arena and likes it, but the bleachers may be an issue because it is a lawn chair event and if you can't see it from a lawn chair then we may have to change venue. We will bring him back in to make sure the venue is still ok. He anticipates 150 racers with approximately 500 attending, which would probably be the majority of locals. They can make money off of ticket sales, concessions and parking. Don looks to partner with the Chamber on this event to tap into their volunteer base. They are working with their ambassador program. The world speed record is 96 mph and they don't have a mower deck. There is a concern about the ground. The organizer stated that as long as you have a good grounds crew to drag it it's like baseball and Don feels that they can get the grounds where it needs to be. If they find out that the venue is not right then they will look around to find the right one.

Don further reported ToughMudder is out but because of what they did rolling out the red carpet Foley is now in the mix for smaller event called MudderElla. It is a girl's event and it could be hosted on the property we looked at. We make the Graham Creek folks happy. There is still the notoriety and they can go shopping after the event.

Councilman Blackwell requested to have more horse shows at the arena. They used to have big HQHA shows each year and it was expensive. Don will take a good look at that and will look at the new complex for that. If they are to utilize the horse arena, the first thing that will need to happen is to replace the bleachers.

#### [14-0830](#)

A Resolution Appointing a New Member as Alternate to the Board of Adjustments and Appeals.

This item was carried over until Council is ready to bring it forward.

#### [14-0835](#)

Discuss West Fern Avenue Truck Traffic Prohibition

Attachments:     [Ords. 0976-07 & 0991-07](#)

City Engineer Chad Christian reported he notified UTC and was told they sent letters to their trucking associates. If you want to make this a permanent thing Council would have to adopt an ordinance. If not we could try it for a while to see how it works. UTC is on board with it. Chad will meet with Mr. Sute on placing a sign for UTC in his pecan orchard. There was consensus to have staff work on the ordinance and bring it back to Council. It would start on Fern Avenue from Hwy. 59 to Airport so that trucks can enter UTC on Fern Avenue back into the UTC facility. They will also need to determine the size vehicle restriction by axle. Mike said they would get Casey Pipes to take a look at this before bringing it back to Council.

### **Discuss Council Meeting Agenda of November 20, 2014**

14-0836 - Discuss Survey of Pine Street and West Laurel Avenue - Taylor Davis reported they were asked to look at this after the April flood event. The first set of inlets that connect downtown is located on the west side and the drainage system goes to Oak Street and turns south and continues to the ditch at Azalea Avenue. The existing concrete pipe on the north end south side of the road is 36' diameter equivalents. They feel that they are in good shape because

concrete does hold up very well. Once the water makes it to the inlets the water seems to be passing pretty well. It is just getting across the intersection that is the issue. On the south side there is no valley gutter and there are some grade problems on the north side. They looked at working with the existing system, because it is an ALDOT maintained system, and discussed it with ALDOT as a minor drainage improvement. They would put flanking inlets on the east side of Pine Street; one of the north and south side of Hwy. 98 with the same diameter pipe to tie into the inlets on the west side. Basically, from a flooding stand point it would not make it a situation to where the water would be an inch or two deep but instead of it being knee deep and going into the building it would be ankle deep. You can only do so much with the system. A full observation of the system would require having to look at the ditch, the closed in pipe in the ditch on Oak Street and the ditch downstream. We feel that this solution would give a lot of bang for the buck. President Pro-tem Hellmich recommended getting Riviera to run the camera on the south side to make sure that there is not any problem between Pine and Oak because it would probably be in that location. He spoke with Public Works and they said that the pipe on Oak Street, when they can remember going into it, was questionable because it was made out of different materials. There are some capacity issues but with this proposal for the money and what they could do would help the area. Councilman Ebert reported they have had some trucks down there and have been doing some extensive camera work. Dan had indicated something on the north side of Hwy. 98 west of Pine Street that the pipe did not continue very far and that maybe the culvert wasn't being utilized to its full capacity.

Taylor reported they found the ALDOT plans and the pipe was installed in the mid to late 80's and they took out a metal pipe so they connected from those set inlets to Oak Street. There might be something else until now that has been added. Since they cleaned out the ditch when the water gets to those inlets the water is sucking into the inlets and basically it is overwhelmed. Councilman Ebert reported there is a vacant piece of property for sale at the southeast corner of Oak and 98 and he wanted to know if that parcel would be large enough for a retention/spill over area that the City should look at. Taylor would have to look at it because it might be a large portion that would be ALDOT right of way. There is a quote for the survey from Marshall Smith to survey and topo the area and they are working on a rough cost estimate now. He has no indication that ALDOT will same the cost. Mike asked if there would be some coordination with them on the TIGER grant items. Taylor reported yes. The County has sent Engineering a check list. This item remained on the Council agenda.

14-0848 - Sales Tax, Lodging Tax and Rental Tax Reports - Mike Thompson reported the City has its first month's collection and it was a very good month. This is the first the City broke a million dollars (\$1.2 Million). Prior to that we haven't broken that figure. It was a good month to start the year with and it represents approximately 6.5% growth over the same month last year. They closed out the total sales tax from last year because of accruals and the final year number came in at \$12.699 million, which is a 5.69% growth from FY12-13 to FY13-14. We have a lot of businesses coming on board; however, we are tentative on what the effect will be from the new Walmart opening in Robertsedale. We will monitor it. Lodging Tax Revenue was very good. We are at 121.6% over this month last year but keep in mind this is the last month we are not comparing apples to apples. We are 45% above what we would have had comparing apples to apples. Rental Tax is down 4% over last year. The

economy is improving so we aren't sure what is happening. Could be some companies decided to purchase rather than rent. This item remained on the Council meeting agenda.

14-0804 will be carried over to the next meeting in December.

14-0821 - Senior Citizens Board Appointment - Vickey Southern reported Pam has spoken with Ms. Billie Nardell and she is willing to serve on the Senior Citizens Board. She will probably be coming back to Council at the next meeting because they have another vacancy due to Ms. Edna Vealey's passing. Councilman Blackwell reported that Theresa Dillon might be a good person to serve on the Board. This item remained on the Council meeting agenda.

14-0825 - Enter into an overtime funds agreement with Mobile County and SARHSO for Hot Spot Impaired Driving Enforcement - Randy Bishop reported this is a no matching funds grant to be used for officer's over time for DUI's. This item remained on the Council meeting agenda.

14-0827 - Resolution to approve the use of the Horse Arena for the USA Lawnmower Racing August 21 - 23, 2015 - Don Staley reported there is a \$4,000 bid fee and it will cover everything except some City services. They will work with the local companies for trophies; and make some money through selling concessions and parking, and will work with the Chamber to market the event. He hopes to break even on this event. The racers will spend the night and eat here. This item remained on the Council meeting agenda.

14-0829 - Entering into overtime funds agreement with Mobile County in SARHSO for the 2015 Selective Traffic Enforcement Program (STEP) - Randy Bishop reported this grants helps when they have problems with a certain area where people run stop signs/traffic lights so they can address the problems. This item remained on the Council meeting agenda.

14-0831 - Approval to purchase vehicle from NJPA for Sports Tourism Complex - Mike reported since they did their research the state has created the new bid list and the vehicle is available at a cost of \$29,789. We are setting the Ford vehicle up with the tow package, brakes and larger V8 engine. Usually we can get them less but they don't have the towing package on them. This item remained on the Council meeting agenda with amendments.

14-0832 - Amending Pay Classification Plan for a job title and pay grade change to the Library Technician/Computer Operator position - Sandra Pate reported the person serving in this position is retiring and since IT is in-house they restructured the job to be a Library Lab Manager. The Library plans to do some in-house training for staff in the lab and it will also assume some supervisory job duties. We are asking for an appropriation of \$3,771; to change from a Grade 14 to Grade 15; and to change the title to Library Lab Manager. This is an exempt position. This item remained on the Council meeting agenda.

14-0833 - Application for FY2014 Assistance to Firefighters Grant (AFG) - Joey Darby reported Council approved the application to replace some of the breathing apparatus. They were unsuccessful in obtaining the grant but a new FDA standard has changed, which makes the existing equipment even more outdated. The application deadline is December 5, 2014 for up to \$100,000 with

a 5% match. It is the same as last year with a few changes per their feedback. They did include the match in the budget should they be awarded the grant. This item remained on the Council meeting agenda.

Mayor Koniar asked how the ground breaking plans were coming along. Chief Darby reported he has the Notice to Proceed and they are ready to do a ground breaking ceremony after he talks with them.

14-0836 - Discuss Survey of Pine Street and West Laurel Avenue - This is to appropriate the funds and allow them to move forward. This item remained on the Council meeting agenda.

14-0837 - Acceptance of Engineering Department Truck bid - Stivers Ford in the amount of \$25,981 was the lowest bid and this was a budgeted item. This item remained on the Council meeting agenda.

14-0838 - Street Light Installation in alley north of West Verbena at Cedar Street - Taylor Davis reported Mrs. Lee requested a light because the alley is so dark. There is an existing pole and he recommended moving forward on this. This item remained on the Council meeting agenda.

14-0839 - Dog Park Change Order #1 - Chad Christian reported they moved the decorative lamps into the park from the sidewalk, which needed foundation, add small drainage pipe; remove the concrete that was the handicapped space and repave it uniformly with the rest of the parking in front of the Health Clinic. The CO is in the amount of \$3100, which is 1.9% of the original bid cost of \$159,000. They anticipate that this will be the only change order. This item remained on the Council meeting agenda.

14-0842 - Request to renew OptumHealth contract for 2015 Calendar Year - Sandra Pate reported there was only a \$12,000 increase on those premiums although we did experience some catastrophic claims this year. OptumHealth was still the lowest with no changes to the contract. There are no appropriations. This item remained on the Council meeting agenda.

14-0844 Request to begin Wolf Creek Park Phase II Project - Leslie Gahagan reminded the Council that the County donated the park with the requirement that Foley invest \$190,000 worth of improvements in three years (May 2015) . She wants to add the boardwalk between the canoe launch and the fishing pier through the wetlands. They also want to build a structure where the pole barn is so that there will be a water front pavilion. They cannot save the pole barn. They will design something similar and she wants to contract with Jay Consulting for the design work. They have done the previous design work for this project. They will have a cutter to cut a trail so they will have a walking trail and this will finish up the required expenditures along with signage. There will not be a fence on this property until the Cogon grass is out of it. This item remained on the Council meeting agenda.

14-0846 Asphalt Repair at Little Rock Road and CR65 Intersection - Taylor Davis reported Mr. & Mrs. Johns came to a meeting in October requesting the intersection be looked at because they considered it to be dangerous. Little Rock Road is to be paved in 2016; however, the intersection is in very bad condition. It looks like it is holding water and could be a hydroplaning issue. He received a quote from R&S Paving & Grading to mill and overlay portions of

the intersections and repair some of the manhole locations that have sunken over time. The estimated cost is \$12,450. This item remained on the Council meeting agenda.

14-0849 - Approves purchase of two 60" rotary mowers for the Foley Sports Complex - David Thompson reported these are the mowers used in the Sports Complex and they are requesting the purchase of two additional mowers. These are within the budgeted amount. This item remained on the Council meeting agenda.

14-0855 - Resolution approving Disclosure Controls and Procedures and Certain Related Matters - This was discussed previously and remained on the Council meeting agenda.

14-0857 - Approval for the use of the Foley Soccer Field Parking area by Foley Police Department and Calvary Church - Vicky Southern reported this was requested by Al Lugo. This is an annual food giveaway and the people do not even have to get out of their cars. The event will be held December 13, 2014 from 7:00 a.m. until noon or until they run out of food. This item remained on the Council meeting agenda.

## Mayor's Comments

Mayor Koniar reported he toured the ESPN facilities in Orlando. They are doing the same thing Foley is doing only on 200 acres. They have the football field the Atlanta Braves uses for football spring training. Their's is really first class. The gentleman spent an hour and a half with them walking around. They reconfirmed a lot of things we already knew about the youth sports tourism program. Shade is a big deal for them as well as crowd control, especially as it relates to referees. They want to be sure they can keep parents out of the field. You don't really have to have big showers or locker rooms because the kids come dressed to play and then go back to the hotel to get cleaned up. You don't really need as much space as first thought.

President Pro-tem Hellmich asked about the shade issue. Mayor Koniar reported they used covered stands for the multi-use fields and then they had portable various sized tents around the complex. The ball field stadium was partially covered.

Councilman Ebert reported that some fields he attended had a mesh for shade and it wasn't water proof.

Mike Thompson reported he had a call regarding baseball tournaments and the recommendation they gave him was to look at putting the mesh tarp over the stands. David Thompson disagreed because they wear out in a few years time and if you something more substantial it would be better. Also during the tournaments they bring their own tents. We will put in a lot more shade for the next complex.

## Visitor's Comments

Vicky Southern spoke on behalf of Donna Watts of the Chamber. She wanted Council to know they are partnering with American Express for Shop Small in your neighborhood. There are approximately 100 businesses that will be participating this year. It will be held on Saturday, November 29th and they will be having give aways. She wanted to encourage everyone to shop brick and mortar.

Councilwoman Quaite congratulated Foley High School's football team on their win. Vickey Southern reported the Police Chief gave Council a parking pass for Friday night's game and they will be used for other events as well.

## **Adjourn**

Hearing no further comments the meeting adjourned at 5:13 p.m.