



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft City Council

Monday, June 16, 2014

3:30 PM

Conference Room

Work Session

Call to Order

Council President Trawick called the Work Session to order at 3:35 pm.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, Katy Taylor, Steve Smith, Don Staley, Leslie Gahagan, Dan Hellmich, Sue Steigerwald, Miriam Boutwell, David Wilson, LaDonna Hinesley, David Thompson, Jeff Rouzie, David Vosloh, Taylor Davis, Randy Bishop, Thurston Bullock, Jessica Middleton, John Jackson, Donna Watts, Randy Kurtts, Audrey DeMotts, Irwin DeMotts, Ray Bakey, Agnes Cormier, Jerry Walker, Kim Whitchard, Marita Johnson, Wanda Greer, Miguil Menoz, Tommy Greer, Celest Greer, Bobby Davis, Annette Davis, Doug Murphy, Priscilla Chamblin, Carolyn Ture, Donna Turbyfill, Bill & Susan Daniel, Harold & Chloe Misch, Ernie & Mary Ann Fughestal, Tony Whitchard, Julian & Elaine Dillan, Jim Cox, Bill & Pat Pelkey, Larry & Jean Lyone, Maria Ward, Neal & Fran Schults, Clarence & Marilyn Mosley, Douglas & Sandi Caudill, James & Sharon Lanius, Gregg Knight, Tanya Fritto, David Blain, Kathleen Roberts, Paul Roberts, Lillie Patterson, Mark Welytok, Sonya Bankston, Michelle Nelson, Daniel Cancelen, Dennis Blankenship, Daria Blankenship, Pat Hayes, Darrell & Kathy Combs, Wanda Bankston, Shirley Brasher, Diane Majors, Kerry & Beverly Hicks, Marcia Van Cleve, Cheryl Hanson, Liew & Debbie Rollins and press representative Cathy Higgins (Onlooker).

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

Tough Mudder/Graham Creek Nature Preserve:

Many neighboring residents of Graham Creek Nature Preserve were present to address the City Council with their concerns of the proposed events at Graham Creek Nature Preserve. The residents all shared the same concerns of the impact of the large number of participants, spectators and traffic that could affect the overall integrity of the Graham Creek Nature Preserve. They also voiced concerns over the proposed multi-purpose interpretative building that will be built on Wolf Bay Drive. President Trawick announced that the residents would get a chance to speak. The residents that voiced their concerns were: Paul Roberts of 8741 Bay View Drive, Foley, AL., Harold Misch of 8531 Heron

Drive, Foley, AL., James Lanius of 8188 Bay View Drive, Foley, AL., Julian Dillon of 8120 Bay View Drive, Foley, AL.(City Administrator Mike Thompson reported that for the concerns of traffic for the Tough Mudder along with the other events as well, the proposal from Environment Manager Leslie Gahagan and Sport Tourism Director Don Staley's is not to allow 2 - 3 thousand people drive into Graham Creek. If there will be more than a few hundred people attend an event at Graham Creek Preserve, they will be shuttled in from an alternate location. The City will not allow 200-300 cars parked at Graham Creek Nature Preserve. Mr. Dillon specifically asked for Mr. Thompson's statement to be reflected on the record.) , Neal Schultz of 8131 Bay View Drive, Foley AL., Wanda Greer of 8333 Palmetto Way, Foley, AL.

Leslie Gahagan reported that she toured the site of 500 acres where a Tough Mudder competition took place in Nashville Tennessee. The areas where the obstacle courses were constructed were in open fields and the ground was lined with liners. The trails were used as running courses only. The mud and water was pumped into trucks and hauled off site. The fields were restored to pre-competition conditions. The competition participants run the courses in waves to minimize traffic. All the participants do not compete at the same time. Mrs. Gahagan reported that she is looking into multiple shuttle sites and that cars will not be parking at Graham Creek. Regarding the multi-purpose building, she reported that soil testing still needs to be completed and they are looking at which sites will have the least impact and at the same time, which sites will give the best access for the community. The main purpose of the building is to have an interpretative center where children can come and learn during field trips because there is a need for indoor class rooms. There will also be another access road.

City Administrator Mike Thompson asked Mrs. Gahagan to talk about the size of the foot print of building because there is misleading information out in the public as to the actual size of the building. People are saying that the building will be 11,000 square feet and that is incorrect because that is not all enclosed space. He also asked Mrs. Gahagan to address the length of the course, someone mentioned the course distance being 10-12 miles long. Mrs. Gahagan reported that they are still looking at which trials to be used. Most of the distance is for the obstacle courses which will loop back and forth in the open fields. There would be a contract with Tough Mudder stating where courses will be and the areas where courses are not permitted to be.

Councilman Hellmich reported that the actual enclosed space of the building is 5,000 square feet with an open wrap-around porch on three sides. Mrs Gahagan reported that the building will have two classrooms that could be combined into one large classroom, restrooms and office spaces as well as the porches to provide shade. Thus far, the building is in the sketching phases only.

Police Chief Wilson addressed the Tough Mudder. He reported that Mayor Koniar asked him to contact cities where the most recent Tough Mudder events had been to get a report. So far, he has only heard back from the Police Chief in Mansfield, Ohio. Mansfield's Police Chief gave the event a raving review and reported it was very successful and they had no issues what-so-ever. He also reported to Chief Wilson that the event coordinators have it down to an art of what they do as far as the set up and break down of the courses and restoring the areas back to the original state when they leave.

The event also had a great economic impact on their city. The Mansfield Police Chief had nothing negative to say about the event.

14-0396

Discussion of Automated Garbage Truck order.

Public Works Supervisor Dan Hellmich reported the need for another automated garbage truck to be added to the FY 2015 budget. City Administrator Mike Thompson reported that since there is a six (6) month time frame to receive these trucks after ordering them, Mr. Hellmich is asking permission to start the process even though the 2015 budget has not been presented to the Council. The automated garbage truck will be in the budget. There are no costs associated with getting prices. There was a consensus to move forward on getting prices.

14-0437

Discuss the South Baldwin Chamber Foundation's request for restoration of funding.

CEO of the South Baldwin Chamber Foundation Donna Watts reported that the Foundation has contributed close to \$2.5 million to the schools. The Foundation serves seven (7) public schools and two (2) private schools, which encompasses over 7,000 students. The Junior Ambassador Program is in its 17th year. There are currently 28 students who are involved with the Junior Ambassador Program, which entails a leadership trip, an economic development day, an environment day and a state government day. The Foundation works closely with Foley High School to ensure the students are exposed to these types of programs they normally would not have an opportunity to be a part of. It has been a very successful program. The most publicized program is the Y.E.A. Program (Young Entrepreneurs Academy). This program costs approximately \$15,000 to facilitate but it develops our young people into true entrepreneurs and teaches them how to come up with ideas, develop and write business plans and at the end of the school year, they come to City Hall and learn how to purchase a business license to operate a business in Foley. The third year recruitment is in the process now. The Foundation wrote an Impact 100 grant where they will be in a partnership with the local YMCA to provide after school care for children whose families cannot afford child care. Council Member Ralph Hellmich asked Ms. Watts when she is expecting to get an answer about the grant and she answered that she is expecting an answer soon. She further reported the S.T. E.M. (Science, Technology, Engineering and Math) Project is an important project that develops children in away that gives them the real world experience. The Foundation has given \$13,000 in Student-Teacher grants and will give another grant in the fall. The Foundation has established an E-Book library that will be shared amongst the students and also the Foley Public Library. Ms. Watts asked the Council to consider supporting the Foundation with a \$25,000 contribution.

14-0438

Balloon Festival Report By Donna Watts

Donna Watts reported the Balloon Festival was successful despite the weather on Friday and one news station erroneously reported that the festival was canceled due to the weather. Ms. Watts thanked the over 300 volunteers who

helped make the festival a success and also thanked the City Council, City Departments, Police and Fire Departments. The Hot Air Balloon Festival has an expense of \$200,000 that is spent at local businesses and has an economic impact of several million dollars. The festival brings pilots and their families from all over the country. Ms. Watts specifically thanked Council Member Charles Ebert III for all his work and being the liaison for the Balloon Festival. There was a tremendous out pouring of pilot support for the Balloon Festival at the Pilot's Award ceremony.

Discuss Council Meeting Agenda for June 16, 2014

14-0373 Approve going to bid for the dog park

This item was discussed during Work Session on June 2, 2014.

14-0374 Approve removing Eastern Red Cedar in John B. Foley Park

This item was discussed during Work Session on June 2, 2014. Council Member Charles Ebert III reported that this tree was recommended for removal a few years ago by the Revitalization and Beautification Board but it was not finalized until now.

14-0382 Seeking permission to replace one Police Vehicle lost during the April flooding

Chief Wilson reported that one vehicle was lost during the April 29, 2014 flood. He reported that all the proper paperwork has been completed and submitted to FEMA for reimbursement of the vehicle. President Trawick reported that there are no guarantees that FEMA will reimburse the City for the cost of the vehicle.

14-0384 Resolution authorizing employees to enter upon the property at 114 S. Stuart Lane for the purpose of abating the public nuisance.

President Trawick reported this property has been abated by the property owner; therefore, this item will be removed from the agenda.

14-0391 Acceptance Of The Alabama Historical Commission Historic Preservation Fund Grant For FY 2015

Miriam Boutwell reported every year the City can apply to the State for grant funds for training.

14-0393 A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT SOUTHWEST CORNER OF HWY 98 AND CYPRESS ST.

Leslie Gahagan reported this is the vacant lot across HWY 98 from Fortis College.

14-0394 Resolution to Renew Contract for Services and to Memorialize Funds and Appropriate Funds For Farmers Market Operations Manager

City Administrator Mike Thompson reported this is the annual renewal of the Farmer Market Manager contract. What is being asked for is to fund the cost of the Market Manager through the end of this fiscal year and to renew the Market Manager for a one year term. If approved, this will be budgeted accordingly in the FY 15 budget. The FY 15 costs will most likely be absorbed through the Farmers Market itself. CAFFM will begin to receive lease revenue, which was the goal to have the Farmers Market self-funded. This has taken a little more time than what was anticipated due to the New Market Tax Credits.

14-0397 Mosquito Sprayer Upgrade

Dan Hellmich reported that there is a need to be in compliance with ADEM and the need to purchase two monitors for the mosquito sprayer trucks. These monitors will show what areas have been mosquito sprayed. Under ADEM, an area that has been sprayed cannot be sprayed again for at least three (3) days. The cost for two (2) monitors is \$13, 850 and \$18,000 was budgeted.

14-0398 Mig Welder

Dan Hellmich reported the mig welder is for the Maintenance Shop at the cost of \$3,020 and it is budgeted for \$3,500.

14-0399 JD 1565 Front Mount Mower Decks

Dan Hellmich reported the need to purchase two (2) John Deere 1565 Front Mount Mower Decks from John Deere in the amount of \$7,054.52 budgeted in the amount of \$8,000.

14-0401 Mower Transfer Request

Dan Hellmich reported that Leslie is in need of a mower for the Nature Preserve. The Street Department has one that is used as a backup that he could give to the Community Development Department.

14-0409 Accept Bid for a Full Size, Half Ton, 4x4 Crew Cab Truck for CDD

Miriam Boutwell reported that the new employee starts tomorrow morning. The bid was a little higher than what was budgeted by approximately \$700.00. CDD is requesting to accept the lowest responsible bid and to increase the budget to meet the short fall of \$700.00

14-0410 S. Juniper St. and CR 20 Intersection Signalization Repairs

Taylor Davis reported that the electrical box for the traffic signal was damaged by rising flood water during the flood on April 29, 2014. This item is to memorialize the work that has already been done. Council Member Hellmich asked if the box could be raised higher. Mr. Davis replied that it is something to look into. Council Member Ebert asked if this is something that could be reimbursed from FEMA. Sue Steigerwald replied yes, that the invoices have been submitted to FEMA.

14-0411 Request a resolution to contract with Goodwyn, Mills and Cawood for the Graham Creek Preserve Interpretive Center

President Trawick turned the meeting over to Vice President Hellmich. Leslie Gahagan reported that she would like to contract with Goodwyn, Mills and Cawood to be the architectural firm to begin construction designs as well as engineering services and to appropriate the funds. Council Member Ebert III asked how much will this firm look at site selection. Council Member Hellmich reported that the soil testing will be a great indicator as to where the best placement of the building will be and Leslie agreed. Leslie also added utility lines, gas lines and power lines will all factor in as well. Councilman Ebert III asked if the geo-technical testing will only be in the area of the initial proposed site or will they look at other areas. Leslie reported that it will be determined after they have a meeting. Council Member Rick Blackwell asked if Leslie received any feedback from the neighbors in the area and she reported that she had not received any feedback. Council Member Ebert III asked if this is time sensitive. Leslie reported that the reason to move forward with the design

is because it takes so long to do soil testing and surveying. This would start the process. Then the proposal will be brought back to Council proposing where the best location for construction of the building will be. Vice President Hellmich turned the meeting back over to President Trawick.

14-0414 Request resolution of support for ASA Archery Tournament and appropriate bid fees

Don Staley reported the bid fee is \$5000. This tournament will consist of stationary targets in the woods at set distances. Councilman Ebert III asked about the park being closed during this event and asked if Don or Leslie would speak on the subject regarding how long and what areas of the park will be closed. Leslie reported that the park will be closed on the trials but not in the areas of the disc golf or the front launch. This is a three day event. There will be approximately 1500 participants. Councilman Ebert III asked how many visitors were at the park during Earth Day. Leslie report there were around 300 people in the park on Earth Day and the biggest event at Graham Creek is the regional high school cross-country meet, which brought in approximately 1000 people. Don Staley also reported that the number of participants for the ASA will come in waves. Not all participants will be in the park competing at the same time. Councilman Ebert III asked if there will be on-site parking or off-site parking. Leslie reported they will have on-site and off-site parking.

14-0415 Request amendment to contract with Southern Excavating to assist City in completing Wolf Creek Stream Restoration

Leslie reported that due to all the rain, the Wolf Creek Stream Restoration has been delayed. The contractors have equipment that can excavate in the flood plain creek to get the project on the way and completed. This is from Section Ave. to Poplar Street.

14-0416 Consider Renewing Ground Lease Agreement for Overflow Parking
City Administrator Mike Thompson reported that the City leases this lot from Mr. & Mrs. Wallace for overflow parking in return, the City will mow the grass.

14-0417 Consider Approving New Agenda Request Form for the Public
President Trawick reported this form is for the public to complete who wants to be on the agenda so Council will be aware of what the requests are prior to the meeting and it also provides contact information of the requester.

14-0418 Request support of Tough Mudder Event

Don Staley apologized for immediately coming to Foley and bringing in an event so controversial but he promised he was not re-inventing the wheel. He reported he has been to two National Sports Association Commissions and many trade shows for years. Tough Mudder is in other cities and the economic impact in San Diego was \$9.4 Million and Mansfield Ohio was \$5.3 Million. This is an event that negative things can be found on the internet but you can also find positive things and not just positive economic impacts. Tough Mudder has a contract with another Gulf Coast city and they are waiting for the City of Foley's decision. They enjoyed Foley and enjoyed the site visit that Leslie took them on. This will take a team effort and what we need is support to move forward. Leslie reported that the event will be February 21 and 22, 2015. This is their target date for the Gulf Coast event. We are planning a forestry management burn in the park prior to this event. Mike Thompson asked how time sensitive the decision is. Leslie reported Tough Mudder likes to advertise

for a year prior to the event. In the next two weeks they would like to have a support agreement contract and a venue agreement. We will have time for one more Council meeting. Mike Thompson asked if there was a way for the City to control how many people take part in this event or is that left up to Tough Mudder organizers. Leslie reported that the amount of people would be controlled by waves and the amount of waves will be based on the terrain of the venue. The waves would run from 8:00 am until an hour and a half before dark to allow them to get everyone off site. The number of people per wave and the number of waves over the two day period would determine the sellout. Mike Thompson asked if Leslie knew the sellout number for Foley. Leslie reported that she will not know until they come look at the site to determine the course designs. Mike Thompson reported that the sellout number would be very important information for Council to have to make a decision. Council President Trawick reported that if Council approves to support this event, they need to put a contingency on it and that Council and other officials meet with the neighboring residents of Graham Creek Nature Preserve and answer all their questions and talk to them about what will be taking place in as much detail as possible and take time to hear all their concerns. If it is moved forward, a stop gap needs to be in place so a meeting with the residence can take place. Leslie reported that prior to the event the second access road must be finished. Council Member Charles Ebert III reported that the events that currently take place at Graham Creek Preserve such as the Creek Crawl, Y Get Dirty and the regional cross-country event are all for good causes. The Corpse Crawl coming up this August is for Foley High School's Cross-Country team to raise money. Councilman Ebert reported he would hate it if the Tough Mudder event went bad and it ruined all the other events that have been so successful. He further reported that since the answer for Tough Mudder is such a time sensitive matter, maybe it would be best to give them an answer for possibly next year with controls in place. Council Member Vera Quaites reported that maybe if a meeting was set up like President Trawick suggested to inform and involve the residents maybe they will be more comfortable with it. Council Member Rick Blackwell reported that it seems to him the residents do not want the park disturbed. Council Member Ralph Hellmich asked if Don and Leslie could get answers by the next Council meeting. Don Staley reported that Tough Mudder is expecting an answer tomorrow, they have the contract in hand. Mr. Staley further reported that after hearing from the residents and hearing Council's concerns that it would be best to slow down and perhaps put this event off. Leslie reported that the only way for anyone to attend the Tough Mudder event is to go through Tough Mudder's website and sign up. People will only be allowed to go into designated areas. Random people would not be coming into the park, even spectators have to register online. There was a consensus to remove the Tough Mudder item from the Council agenda.

Daniel Castellino, owner of TLC Vapes located at 15397 Hwy 59, Foley asked the Council if he could voice his concern of the E-cigarette ban. He reported that his concern with the ban is that there are health benefits associated with vaping. There are success stories of people who have gained their health back because of vaping. He reported that business owners should be able to decide if they want vaping permitted inside their businesses. He reported that he has costumers that only had 30% lung capacity and now, because of vaping they have 76% lung capacity. E-cigarettes should not be banned and treated like regular cigarettes. Cigarettes are bad for health but vaping is an alternative. People are changing their lives because of vaping, they are doing things that

they were unable to do before. He reported that it should not be banned to allow those who benefit from it to continue to benefit from it. Council Member Ralph Hellmich reported that it is not being banned that the ordinance will treat E-cigarettes as an instrument containing nicotine. He reported that if the Federal Government or the FDA change their view of E-cigarettes that the ordinance can always be changed as well. President Trawick reported the use of E-cigarettes is permitted in designated areas. Mr. Castellino asked if vaping will still be permitted in hospitals because doctors are allowing patients to vape in the hospital who would normally smoke cigarettes to relieve stress on their bodies and it promotes healing. President Trawick reported that the hospital is a non-smoking campus with no designated smoking areas but if doctors are prescribing E-cigarettes to patients that the ordinance would not affect it. He also reported that if this ordinance becomes an issue, it can always be amended.

14-0420 2015 Ford F 550 Bucket Truck

Dan Hellmich reported that this truck is priced at \$397 over budget. Five (5) are to be built in August and he would like to put the City's name on one of them. He reported that it could possibly come in at \$1500 less, it depends on the year of the chassis.

14-0421 Project Sky Guardian

Jessica Middleton reported that this item is the security program from the Cops Technology grant that the City was awarded a several years ago. Council Member Charles Ebert III reported that he did not want to place cameras in sensitive areas because he does not want to create a "big brother" environment in Downtown Foley. Jessica reported that it may seem like a large number of cameras but in fact, it is not and the cameras will only be placed in critical areas that the Police Department determined was of the highest priority.

14-0422 Permission to bid new archery park for Graham Creek Nature Preserve.

David Thompson reported that this is the stationary targets that has been discussed for over year. This is with the Department of Conservation and Natural Resources from the State. They are actually donating the targets to the City. He is asking permission to go to bid. The park will have four (4) youth targets, a tower and eleven (11) adult targets. All of these targets will be placed in an open field. This will benefit the archery students in the schools as well as hunters who do not have a practice target at home. Council Member Charles Ebert III clarified that this is just permission to go to bid, it is not permission to put the archery park in place. This will give a cost so an informed decision can be made by Council.

14-0423 Repairs for the Aaronville Swimming Pool

David Thompson reported that two expansion joints in the pool need to be replaced. The proposal is to repair the expansion joints first before moving forward with any other repairs to see if the pool will hold water. The pool will not be open this summer due to the repairs that need to be made.

President Trawick ended the Work Session due to time constraints.

Mayor's Comments

None to report.

Visitor's Comments

None to report.

Adjourn

The Work Session adjourned at 5:29 pm.