

Shoal Creek Park Foundation Board Meeting Minutes

3-23-2017

Board members present: Terry Arnold, Philip Busby, Susan Fulmer, Robert Miller, Nisa Miranda, Gary Muehlbauer, Cristie Muehlbauer, Blake Ray, Travis Reed, Ashley Robinett (by phone), Dan Ruth (by phone), Cameron Vowell (by phone), Susan Wilder-White, and Dee Woodham

Board members absent: Butch Ellis, H.G. McGaughy, Maurice Valentine

Ex-officio present: Mayor Hollie Cost, City Clerk Herman Lehman, Kim Reynolds (representing Alex Dudchock), Quincy Whitehead (by phone), Mary Ellen Heuton (representing Dr. John Stewart)

Ex-officio absent: Tom Walker

Notes from Agenda item 1. Introduction

The following Officers for the board were nominated and appointed:

President: Dee Woodham

Treasurer: Susan Fulmer

Secretary: Robert Miller

Articles of incorporation and by-laws for the foundation were distributed via email to the board members in February. If any of the board members have not received these, please contact Robert Miller to obtain them.

The normal quarterly meeting time for the board was discussed and agreed to be held on the fourth Wednesday of the month at 1 PM on a quarterly basis. The articles of incorporation do not state that the meetings must be open to the public, but it was recommended by Herman Lehman that the meetings should be open to the public as a matter of good practice. Meetings will be posted in the same manner as all city meetings.

The mission statement of the Shoal Creek Park was presented: "To provide a diverse and sustainable retreat for Montevallo residents and visitors that promotes its natural surroundings, health, regional history, environmental education, arts, and agriculture."

The current conceptual design plan for Shoal Creek Park was distributed to the board members in attendance and in person. The current plan has been approved by City Council, but represents a conceptual plan and is not a precise depiction.

Dee pointed out that SCPF Board makes recommendations to City Council. The City owns the land and the house. The Foundation was created to support activities and capital purchases in support of the improvement, maintenance and operation of the park.

Notes from Agenda item 2. Recreational Trails Program Grant for trailhead, bathroom, and pavilion facility

Montevallo has been awarded a recreational trails grant in the amount of \$100K with a \$20K match from the City of Montevallo. This grant will be used for building a combination trailhead, bathroom, pavilion facility at Shoal Creek Park. This facility will be built near the creek where the "Pig barn" was.

RFQ's were accepted and Turner-Batson was chosen as the architectural firm. They have developed preliminary plans for the new restroom, trailhead, and pavilion facilities. These were included in the materials presented to the board members in attendance in person.

Terry recommended that it would be a good idea to move the Pavilion section of the facilities closer to the creek. This could be done using perhaps a cantilevered structure over the rock creek embankment to support the pavilion. This would allow parents to be closer to the creek for supervision of children and encourage people to use this area of the creek more.

Hollie noted that there are some complexities involved with the placement of power, water, and sewer lines that will need to be evaluated but that the suggestion was a good consideration and should be evaluated.

Cameron suggested that the board should look into solar power for the Pavilion and did have a possible contact for solar applications. Cameron was going to email Dee the contact information to look into this possibility.

A subcommittee for working with Turner-Batson on the Pavilion design was formed. The members of this subcommittee are: Terry Arnold and Gary Muehlbauer.

Herman suggested that it may be possible at some future point to assess using some of Ms. Mahler's bequest for the parks trail (Montevallo trail from Orr park to Stephens park) for projects at Shoal Creek Park to support Ms. Mahler's intended purpose for the bequest, such as building the Restroom, Trailhead, and Pavilion structure.

Dee commented that plans for storage will likely be added to the facility.

Additional recommendations that were made for the trailhead, bathroom, and pavilion facility:

- Master plans for the facility should include landscaping
- Handicapped access needs to be taken into consideration for the facility

Dee commented that Shoal Creek Park should have a formal opening after the construction of the trailhead/restroom. In addition, Dee recommended that the park will need a trail map for visitors to the park. Both of these projects should be discussed during future foundation board meetings.

Notes from Agenda item 3. Financial Report

Ms. Mahler generously donated funding for both Shoal Creek Park and the Park's trail in her will. This bequest included:

1. \$400K for paving and making handicapped accessible feasible sections of the Park trail from Orr park to Stephens park.
2. \$100K for paving trails from Shoal Creek Park to Orr Park and within Shoal Creek Park
3. \$100K for general purposes for at Shoal Creek Park

Dee recommended that the board should consider using part of Ms. Mahler's bequest to apply for matching grant funding for the park. The \$100K for general improvements of Shoal Creek Park would likely be the best portion of the bequest to leverage in this manner.

A sale was held for the contents of the house and \$3K was collected for use at the park. All items identified by the Montevallo Historical Commission and two pieces of furniture Ms. Mahler wanted retained were kept. The two pieces of furniture were in the house when the Mahler's purchased the house and land (a buffet and chest that were in the dining room).

501C3 has been established for the Shoal Creek Park Foundation. Also, tax exempt status for the Shoal Creek Foundation has been obtained from the IRS. This will allow the foundation to accept donations for Shoal Creek Park without tax burden. A small clerical error was made in that the foundation should have filed form 990 for 2015 and 2016. The same auditor that services the city has been employed to assist the foundation is catching up form 990 for 2015 & 2016 to bring us up to date. We anticipate that it will cost no more than \$1600 to catch the foundation up for filing form 990 for those two years.

Director's and Officer's insurance for the Shoal Creek Park foundation was discussed, proposed, and approved by the board. Dee recommend purchasing \$1M in Director's and Officer's insurance. The board agreed with this purchase at the estimated cost of \$1000.

Notes from Agenda item 4. Physical house condition summary

The Mahler house has structural problems that will need to be addressed before the house can be used as part of the park in any capacity. Repairing the house will have significant costs involved. Preliminary evaluation by an engineering firm recommended by Turner Batson estimated that foundation stabilization would cost \$125K - \$130K. Estimate from Turner Batson is that renovation of the house to make it useable as a public space that could hold approximately 50 people could cost as much as \$350K - \$500K in addition to the cost for foundation stabilization.

Ashley recommended that any plans for the house should ensure that the historic aspects of the house are maintained. Terry recommended that it would be a great idea to consider restoring the house back to its original footprint as it would have been in 1834 as a historical building. The original "bones" of the structure of house should still be there under the new additions to the house. That goal would be to show visitors to the park an 1834 house would have been built. This would include restoring the house using materials that would have been used in that time frame.

Philip Busby recommended that the foundation should do some research to determine what the house originally looked like such that that information could be used to inform design of any other structures that would be built in the park.

A subcommittee was formed to research what uses for the house we may have and to assist in creating an overall plan for the restoration of the house. The members of this subcommittee are: Terry Arnold, Philip Busby and Gary Muehlbauer.

Herman recommended that prior to doing anything with the house we should determine with certainty what function and role the house will fill since this will determine the design plans for the renovation.

Notes from Agenda item 5. Updates

A second Archeological Survey was conducted at the Mahler property in late February. The Archeological team is very excited about the results. The final report is not in yet. The results will be shared with the board when they are in.

Thank you to Terry and Hershel for organizing the sapling planting at Shoal Creek Park in conjunction with Arbor day. This was a very successful event with 200 donated native plants planted at the park by volunteers and an additional 160 native plants were marked for protection.

Mike Hardig has reported that there is a population of Tennessee Gladecress (*Leavenworthia exigua* var. *lutea*) growing on the Mahler property. This variety of Tennessee Gladecress is very rare, found only in Tennessee and Alabama. It is considered "Critically Imperiled" throughout its range due to its scarcity. At last report there was one known occurrence in Tennessee and fewer than 10 known occurrences in Alabama in Bibb, Colbert, Jefferson Marshall, St Clair, and Lawrence counties. Reasons for its scarcity include habitat destruction associated with human activities and competitive exclusions by other plants associated with habitat disturbances.

Carol Brown has agreed to be our Bird trail manager. She will be responsible for the bird house maintenance, keeping count of the different species of baby birds present at the park, and thinking about future nesting sites at the park. Shoal Creek Park currently has Bluebird and Martin houses, Gourds, and three Wood duck houses. Thank you to Terry for building the three Wood duck houses.

Lydia Godwin has created a facebook page for Shoal Creek Park and setup a Google drive for the Foundation board to use. She plans to send out invitations to the board members to gain access to the google drive. Planning documents and board meeting documents will be maintained on the Google drive that the board members will be able to access via the internet.

6. Request for Proposal (RFP) – Volunteers for subcommittee

The request for proposal items are concerns that will need to be taken care of in the short term.

There are currently cows on the Mahler property, but they have been pulled back from 95% of the creek bank. In addition, part of the property without cows on it is being cut for hay. The options discussed were maintaining the cows on the property or removing them. Also, do we continue to have hay cut on the property and if so, under what arrangement? What controls and commitments do we want from anyone who rents that land for grazing purposes? Lonnie Bearden and John Nix currently have the contract with the city for grazing rights at Shoal Creek Park. As part of the contract the renters maintain the fencing and bush hog the hay which they keep.

Terry made the point that there is a need for the foreseeable future to continue maintaining cows on the property and to continue to cut hay to control the volunteer trees and the growth of the grass and other vegetation. Terry pointed out that the cows have done damage to the creek bed and that this should be limited by any arrangement made to continue with grazing on the park property. He also

pointed out that limited damage will probably continue if the cattle are there, but that this is a trade off with the benefit the grazing has for managing the vegetation at the park. Grazing rights to the property should include installing additional fencing to limit the damage done by the cattle.

Blake Ray is interested in using this opportunity for agricultural education. It would be possible to use this grazing done at Shoal Creek Park to demonstrate how to fence cattle out of the creek and rotationally graze pastures in an environmentally sensitive, but still economically viable way. Dee pointed out that this educational application might be another opportunity for seeking grant funding for the park.

A subcommittee was formed for developing an RFP for future renting of the land as Shoal Creek Park for grazing and for cutting of hay. The members of this subcommittee are: Terry Arnold, Philip Busby, and Blake Ray.

The other opportunity for request for proposal would be letting people use the park as a wedding/event venue for a fee for generating revenue to support the park.

Dan pointed out that as a 5013C we need to be mindful of keeping our goals and activities for the foundation in line with our charitable purpose and not to become aligned solely with revenue generating functionality when considering design of the park.

Dee made the point that under the current thinking for renting out the park for private events; the city would be the business point of contact for revenue generating activities such as weddings or other events. Therefore, the foundation would not be involved in this type of activity. The foundation would not be in a position of impropriety with concern to conducting revenue generating activities at the park.

Dan made the point that there may be benefit to renting out of the park space through the foundation. If the park space is rented out through the 5013C, then the fee would be tax deductible to the renter. This could make the space more attractive in terms of cost to anyone looking at using the park for a private event. In addition, the 5013C has a five-year grace period to show that we are meeting our charitable requirement under the rules of tax exemption. After the grace period we must show that we are raising our charitable donations from a broad public source, not just a couple of big donors or revenue from wedding events, etc.

Wedding events spaces are currently available on the University and at Wilder Wood Farms. These events sometimes make use of the buildings on the property and sometimes are completely outdoors. There are several wedding directors that work in the area and it would be possible to work through one of the wedding directors such that they handle all the logistics. The recommendation was made that it would make sense to considering having someone handle or coordinate all the available wedding venues in town such that all the available sites would be represented and would not be competing against one another.

Herman pointed out that improvements to the park would be used by both the visitors to the park for free and used for any generating revenue. As such, they would be dual use and would fulfill both functions equally. Herman also pointed out that it is common practice for cities to rent out park spaces

for private events for generating revenue to maintain the park and public spaces. As such it does not create impropriety for the City of Montevallo to conduct such activities at Shoal Creek Park.

Dee was going to look into getting a contact at American Village on this topic.

A subcommittee was formed to investigate an RFP for renting Shoal Creek Park as a event and/or wedding venue. The members of this subcommittee are: Susan Wilder-White, Mary Ellen Heuton and perhaps an American Village representative.

7. Future projects: Board input into priorities and potential subcommittees

Meeting was close to over when we reached this topic. Below is a list of brainstorming ideas that were thrown out on this topic:

- Playground area for children. Susan pointed out that this would be an important aspect to add to Shoal Creek Park. Also, this should be made handicapped accessible/useable.
- Building a pedestrian/Gator bridge across the creek
- Connect Orr park to Shoal Creek park
- Wedding and/or gathering Pavilion
- Catering Kitchen
- Birding Trail. There are only two Shelby county sites on the Appalachian Birding Trail. Shoal Creek Park would be a great addition to this organization.
- Geo-caching
- Arts Village
- Camping
- Cabins. There is no hotel in Montevallo and the city is giving up revenue to surrounding communities due to this. It would be good to have a cabin available at Shoal Creek Park that people could use to stay locally when visiting. It was recommended that we should look into Alabama construction companies, such as Clayton, that build tiny homes for this possibility.
- City Museum/Archives. Mary Lou Williams and others have put together a proposal for a Montevallo archives and museum that will be housed in the special collections at the University. Long term this could be something that is represented at Shoal Creek Park.
- Zip Line(s) and/or Ropes Course. This is activity that would appeal to the high school and university students. This could also be another source of revenue.
- Pollinator gardens/Bees. Mike Pickett has volunteered to put Bees and tend them at Shoal Creek Park.
- Pumpkin Patches
- Cross Country race course. The University is excited about the possibility of using Shoal Creek Park for this purpose.
- Dog Park
- Canoeing/Kayaking on limited sections of Shoal creek
- Increasing the presence of indigenous plants on the property

8. Longer term considerations

Nisa recommended that an overall master plan with more detail is needed for Shoal Creek Park. This plan should include buildings, trails, other structures, and landscaping. The plan should also include the

uses of the park and development of the aesthetics of the park. This will be important for fund raising and for overall development of the park. The firm of Turner Batson has been employed to develop the preliminary plan and Herman noted that they would work with us to further develop the plan in more detail.

Terry recommended that a central principle for the development of Shoal Creek park should be to keep it as natural as possible.

Terry recommended that we should have the property professionally topographically mapped so that it can be used in developing the plan for the park. Dee recommended that this is something that the foundation should ask the county to do.

A motion was made and approved by the board request a formal proposal from Turner Batson for developing more detailed plan for Shoal Creek Park. The planning scope will be for a master plan for Shoal Creek Park

A motion was made and approved to allocate up to \$10K for Turner Batson for developing more detailed master plan for Shoal Creek Park.

The next board meeting is 6-28th at 1:00 at Montevallo City Hall.