

Meeting Minutes
Fairview Park Board
April 7, 2014

Board members present: Chairwoman Beverly Totty, Vice Chairman Jack Cannon, Secretary Richard Edmondson, Mark Dietze, Ron Rowe; also present: City Manager Wayne Hall, Park Director Keith Paisley, Program Director Jenny Herrera, and members of Friends of Bowie Nature Park.

Absent: Patti Carroll, Neil Rice.

I. The agenda was approved; the minutes from the March 3, 2014 meeting were also approved.

II. General Park Updates: Herrera said the annual ‘Barks for Parks’ will be held on May 3. The event will include vendors, a hike, as well as a contest for “cutest dog” and “best trick.” Later the same day, from 2-5 p.m. another ‘Bowie Jubilee’ will take place at the Outdoor Classroom. Paisley said the controlled burn of the area near the dome took place and that it went well. The tree thinning in the 3.2 acre test site is scheduled to begin tomorrow, he added. Herrera also reported that the spring break programs, which included organized activities for families, went very well. She said 215 people participated and that the weather was good throughout the week and that a lot of people were in the park. Summer programs are scheduled to start June 9, she said, and will include six weeks of camps. “We’re about 60 percent full right now,” she said.

Discussion also took place as to the current status of the burning and thinning of areas 1-6. Hall said he had gotten estimates from two foresters, one in Burns and one in Mississippi, on the cost of developing a plan and marking trees for thinning. Edmondson suggested possibly having the forester also look at the Out Parcel as well. Dietze said that given that the Out Parcel is not covered under the conservation easement, and that the thinning of areas 1-6 will have to comply with provisions of the easement and be approved by the Land Trust, that it would be better, and simpler, to keep the two separate. He also cautioned against allowing foresters to submit bids on the basis of total park acreage, saying that the bids should be specific to the areas to be thinned only—meaning areas covered by pines, and not hardwoods.

III. Old business—master plan: Herrera submitted a revised version of the Bowie Park Master Plan, incorporating editorial changes and revisions suggested by Board members and Friends of the Park members. Cannon suggested having a professional, Bob Richards, look at problems in the park’s trail system and offer formal written recommendations that could be included in grant applications. Cannon inquired if there were any provisions for acquiring more land in the event someone were to sell property bordering the park. Apparently there are no such guidelines. Herrera suggested putting them into the introduction to the Park System Master Plan. Dietze cautioned against the possibility of developers building subdivisions bordering the park, resulting in homeowners having, in effect, their own private entrances to the park. “There better be zoning that accounts for what people can and can’t do along the park, because I can tell you...as it comes, a developer’s going to say, ‘there’s a 700-acre amenity I don’t have to pay for.’” He suggested having the Planning Commission look at the matter and come up with zoning regulations particularly applicable to areas bordering the park, adding that “I hear

discussion all the time about people that want to put in tight-zoned housing developments, including apartments, because they've got an instant amenity.”

Cannon suggested that the Bowie Park Master Plan should also include a five-year forestry plan that would include a schedule of thinnings and controlled burns. The plan, he said, could be drawn up by the forester hired by the city to do the work on areas 1-6. Herrera said the report ideally would be included in section 5.2.1 of the plan, subtitled “Forestry Plan.”

IV. Old business—public survey: Totty said the survey is still online and will remain so until the end of April. Discussion also focused on making the survey available to members of the public attending the events on May 3.

V. Old Business—Park Fund balance and accounting: A report was given by Tom Daugherty, chief financial officer for the city, who said the Park Fund is kept in a type of account called a “Local Government Investment Plan,” or LGIP. He handed out copies of a printed report showing account activity from July 1, 2013 through February 28, 2014. The balance reflected at the beginning of the time period was \$327,624.21. The closing balance shown at the end of February was \$267,313.49. The account earned a total of \$182.28 in interest over the eight months, with an expenditure of \$60,493 recorded on September 6, 2013. Daugherty said the \$60,493 was to cover half of the cost of widening Bowie Lake Road. Dietze said he was “perplexed” as to why money from the Park Fund would pay for the road widening project, noting that as originally envisioned, the widening was to extend from Highway 100 all the way up to the Nature Center. Cannon said the Park Fund was to have paid for the portion of the project inside the park. Edmondson pointed out that the road widening ended at the park gate, and that the only thing done inside the park was the constructing of a sidewalk. He asked if it were possible to determine how much, percentagewise, the sidewalk cost in relation to the total project. Dietze said the widening of the road should not have been paid for out of park funds.

“I think it’s a travesty that \$60,000 of this fund is used to pay for what is nothing less than a city road, because from that gate or from that fire hall, is city property, it’s a city road,” Dietze said. “They are to maintain it. If there’s a pothole in that road, is the Park Fund used to fix the pothole?”

“All the park got out of this was a sidewalk,” said Edmondson.

Dietze said he would not even favor paying for the sidewalk because “that is to get pedestrians off the streets—that is the city’s job,” and called for a determination to be made as to the legality of spending money from the Park Fund on projects outside of the park.

“There is argument to say, ‘well it’s a park sidewalk,’ he said, “but...if the city is to do streets and sidewalks—that whole project—the fact that it stopped at the gate—should have been funded by the city.”

Totty agreed that the project was undertaken because the road was not up to code and that it wasn’t “pedestrian friendly.” The Board of Commissioners gave the Park Board a directive to study the matter and make recommendations, she said, and then added:

Once that was then discussed and engineering was brought in, then the recommendation was made, with the recommendation of what the engineer proposed, from the Park Board back to the BOC. The BOC then voted that they would do the widening, and then the discussion of the funds (was that it would be) paid for half by the city, half by the park. And that's how that was discussed and voted on.

"Whether that was voted on, I still question the vote," said Dietze.

"I totally understand your position and statement," Totty replied. "(What) I would question would be whether that money is or is not—I don't have privy—restricted, other than how the city deems fit. The point of the sale of the property going back to reinvestment of the property I'm sure could be interpreted in a lot of different ways."

Hall said that in approving the project the BOC had directed the former city manager to "spend the money 50/50."

"Well, I agree," replied Dietze. "And the 50/50 was once when the entire project was going from (Highway) 100 to the gate, then from the gate to the Nature Center."

He said that when the decision was made to dispense with the gate-to-the-Nature-Center portion of the project, that was when "the formula should have changed." He also suggested having the city attorney define "what is 'for the park.'"

"\$320,000—that cuts a lot of trees, builds a lot of trails, buys a lot of land in a large park, builds an equine center—I mean all the things I've heard talked about in three years on this board, \$320,000 does the better of it," Dietze said. "But if it's going to be picked away at \$60,000 whacks for paving, to pave a city street for a fire engine to go up and down, it's good to know for planning for the park, and that (we) don't plan on this fund."

"Another thing I would like to know is how we got down to \$327,000, when the sale price of that land was \$450,000," said Edmondson. "That's what SouthStar paid for the 5.9 acres. Now I know we bought a tractor, and did some concrete work, which I think was about \$10,000—I remember Mr. Hyatt saying that at a Board of Commissioners meeting one night, but I don't see how we got down to \$327,000." He also asked for clarification on whether the park fund is being kept separately, in a separate account from the city's General Fund.

Daugherty replied that it has its own separate account, that it is not mixed with any other monies.

"So you see," said Totty, "the two forms that I gave you that have across the top 'the general fund' and it's in there—that's another question I guess I'll have now that you've said that."

"The way it is categorized in our audit is not 'restricted,' it is categorized as 'committed.' It is in as general funds committed to the park maintenance and well being," replied Daugherty.

“Well does that mean it’s in its own separate account or it is part of the General Fund?” asked Edmondson. “Because that seems to me to be the crux of the issue. These two funds need to be kept separate from each other.”

“No, there is one fund, it is separate,” said Hall.

“It’s not in the same account. It’s in its own account,” said Daugherty.

“Are we calling an account like a line item? Or are we calling an account like a bank account?” asked Cannon.

“Bank account,” said Daugherty.

“So we should be able to go from day one, when SouthStar paid the check, and see what the disbursements were to answer his question—where we went from 450 down to 327,” said Cannon.

“Right,” said Daugherty.

“Which just means you gotta take this report and back it up to 2013—to the date 7/1 of 2013 you need to back it up to the closing date of that sale,” said Dietze.

Totty asked Daugherty if engineering costs were included in his figures. She said there was an engineering cost of \$61,753, “but a breakdown of that—it was for improvements to park entrance, Bowie Park stage—these are all engineering costs—Pine Tree stage, greenway/Lake Van, and the LPRF grant.”

“Yeah, this ordinance made the second passing on Sept. 6, 2012, and it has a budget amendment highlight description page, and on the back it says ‘total amount from Park Fund \$86,471, of which \$61,753 engineering, \$24,718 for a tractor,’” Daugherty said.

Dietze asked why the engineering fees were paid for out of the Park Fund. “I mean, it says ‘park entrance,’ but it’s still a city road, and it may have benefited the park to get to the park—I agree semantically it could be called a ‘park entrance,’ but it’s a city road. It needed to be widened, in order to be widened it had to be engineered, and I would question the use of those funds out of the Park Fund”

“In being on the board, the only thing I can say, when the park conversation comes up it’s always looked at that it will be paid out of park funds, and that’s just a—I’m going to use the word ‘culture,’ and it may not be the best word—” said Totty.

“And I don’t doubt that, with a \$400,000 big balloon sitting there versus the tight budget the city has to work with—but I as a citizen, I as a voter, and certainly as somebody with enough business sense, would say, I would seriously question that. And I would seriously encourage the Friends, as you’re sitting there, to question it, and if you have to question it with an

attorney,” Dietze said. “But if it’s a general fund and the board can say, ‘You know what? We can disburse it however we want,’ then it needs to at least come out that, hey, the Park Fund is paying for city roads.”

Daugherty elaborated on “how the Park Fund is set up within our structure—it is in the General Funds under a ‘committed’ category, and that’s how it’s presented to the state comptroller.”

“It *is* in the General Fund?” asked Edmondson. “A while ago you said it was separate.”

“It’s in a separate account, but it’s in the General Funds. We only have three funds, we’ve got the General Fund, the Facilities Fund, and the Drug Fund,” Daugherty said.

Al Tarolli, president of the Friends of Bowie Park, also spoke, saying that Daugherty had shown him ordinances on three expenses—“the tractor, engineering fees, and half of Bowie Lake Road.” Tarolli added:

“In the budget there’s an additional number—and you’re wondering how you got down to 327—\$30,000 is in the 2012 fiscal year budget, I believe, that was used for salaries. Commissioner Bissell mentioned it as salaries. Crystal put it down as to pay for a part of the park’s budget. The city paid up to two hundred and some odd thousand dollars in the budget. They took \$30,000 out of the Park Fund to pay for the rest of the park budget.”

Another \$10,000 “that hasn’t been taken out yet” is half of the cost overrun for the Bowie Lake Road project, Tarolli added.

Edmondson questioned whether everyone at the table would agree that paying for salaries would be a misuse of the Park Fund. Totty said she thought “that would be jumping to conclusions without knowing exactly what took place—because then I would ask Keith, ‘Did you have any kind of grant that we repaid that might have been a pass-through or something?’” She said additional research should be done.

Hall said an expenditure from the Park Fund would need to be made tomorrow to pay for the tree-thinning in the area near the Dome. Dietze termed the expense a “no brainer” and said he didn’t think anyone had any objection to it, but that an expense for a city road “is a different animal.” Dietze also made a motion that the Board of Commissioners do a check to determine the legality of all expenditures from the Park Fund, going back to the fund’s inception, and that the findings be forwarded to the Park Board as a courtesy. As part of the motion, special effort should be made to determine if paving and engineering expenditures for a city road are consistent with Park Fund purposes. The motion was seconded by Edmondson.

“I don’t think we really have to spend a whole lot of time talking about a \$24,000 tractor that’s parked over in the park,” Dietze said. “I don’t think anyone here questions that. I think what’s really in question is the approximate \$120,000 of road fund and engineering on a road that is not in the boundaries of the park.”

For clarification purposes, Totty asked if the intention of the motion was for the city to engage the services of an attorney to make the determinations called for. Dietze said a determination needs to be made as to what the Park Fund is really for—whether it be for “birthday parties to paving” or some other purpose—but did not specify whether an opinion on the matter should be given by an attorney or the determination simply made by the Board of Commissioners.

The motion passed unanimously.

VI Bowie Lake Road Streetscaping: Hall said the oaks have been tagged and that he has to go to Manchester to pick up the redbud trees. Cannon reminded him about the gator bags.

VII. Closing comments from the board: Dietze expressed concern about stabilization of the Walmart property bordering the park, and said the developers have exceeded the time limit for laying seed and straw. Totty said she would like to step down as chairperson of the Park Board and asked that a discussion take place at the next meeting to choose her replacement. Closing comments from the audience: Tarolli asked Rowe, who also serves on the Planning Commission, whether the Planning Commission could be induced to consider the possibility of revising zoning regulations for properties bordering the park. Rowe said the Planning Commission is currently studying a comprehensive land use plan for 2020, and that “we’ll certainly take that under consideration.” Jim Power recommended that the city hire a staff engineer, commenting that the city is “paying an astonishing amount of money for engineering, and I don’t see a lot of projects getting done.” He also expressed concern about the paving of the Nature Center parking lot.