

COUNCIL WORK SESSION AGENDA MINUTES
CITY OF FOLEY
CONFERENCE ROOM, 407 E. LAUREL AVENUE
FOLEY, ALABAMA
MONDAY, JULY 20, 2009 4:00 P.M.

Mayor John Koniar called the meeting to order at 4:05 p.m. Those in attendance were Council Members Ralph Hellmich, Charlie Ebert, Wayne Trawick and Rick Blackwell. Council Member(s) absent: Vera Quaites. Also attending were Perry Wilbourne, Sandra Pate, Vickey Southern, Meg Hellmich, Dan Hellmich, David Thompson, Leslie Lassiter, Joey Darby, David Wilson, Randy Bishop, Butch Stokes, Joe Bouzan, Richard Peterson, Shirley Palutsis, and Guy Busby.

ACTION ITEMS:

1. Approve Work Session Minutes of July 6, 2009.

Councilman Ebert made a motion to approve the Work Session Minutes and Councilman Hellmich seconded the motion. The vote passed unanimously.

2. There are no Consent Agenda of July 20, 2009.

One consent agenda item was moved to the Council Agenda.

3. Consider resolution moving the first Council meeting in September to Tuesday, September 8, 2009 to accommodate the Labor Day Holiday.

A resolution was moved to the Council Agenda.

4. Consider Baldwin Tea Party's request to use Heritage Park and Pavilion on Saturday, September 12, 2009 between the hours of 2:00 – 5:00 p.m. to hold a memorial in remembrance of the victims of 911 and an update on what is happening and things that maybe done to help stop some of the actions of Congress.

A resolution was moved to Council Agenda.

5. Consider resolution approving an ad in the 2010 South Baldwin Area Guide. Last year the full page color ad was \$2195, which is the same cost for this year. A full color half page ad would cost \$1495, which would be a savings of \$700.

A resolution was moved to the Council agenda.

DISCUSSION ITEMS:

6. David Thompson: Consider Jennifer Claire Moore Foundation's request to use the Horse Arena for the date of July 17, 2009 through August 9, 2009 with the exception of Saturday, August 1, 2009 (the Arena was already rented for that day). Also Frances Holk-Jones has asked that the fee be waived for the lights. See attached Agenda Request Form for further information on associated costs.

David Thompson reported the request is only for 6 days (July 28, 29, August 4, 6, 7 and 8) and the Foundation requests waiving light fees. A resolution was moved to the Council agenda.

7. Dan Hellmich: Consider resolution approving purchase of one JBC System III Wheel Balancer with Power Clamp, BFH Wheel Lift and 7 Cone Kit Set. If approved request old FMC 4100 be declared as surplus and sold on GovDeals.

Dan Hellmich reported the cost had increased to \$6,895.30. A resolution was moved to the Council Agenda.

8. Meg Hellmich: Consider ordinance amending Ordinance 557-98, which prohibits Door-to-Door Solicitation in the City of Foley.

Meg Hellmich reported the League has advised the City that an ordinance prohibiting door to door solicitation is unconstitutional. This amendment to the ordinance will provide the strictest level of defense possible under the law. She then gave a brief overview of the contents of the ordinance amendment. In answer to a question regarding the amount of the license fee, Meg noted that the fee will be the normal applicable license fee which is typically \$110.00. The Ordinance was moved to the Council Agenda for first reading.

9. Butch Stokes: **A)** Consider resolution accepting the lowest bid for the Northwest Quadrant Drainage Project. At this time the low bidder has not given the City the proper documentation for background check prior to the bid being award per City policy. **B)** Consider resolution accepting the lowest bid for the Sunset Circle Drainage Project. At this time the low bidder has not given the City the proper documentation for background check prior to the bid being award per City policy. **C)** Consider recommendation approving HMR's contract for various resurfacing projects. If consensus move resolution to Council Agenda. **D)** Consider recommendation approving EDS' contract for surveying the north and south sides of the East Magnolia Avenue property. If consensus move resolution to Council Agenda. **E)** Consider amending Ordinance 391-87 to provide parking, speed limits and traffic control within the City of Foley to include the speed limits on County Road 12S between the Foley Beach Express and the intersection of Wolf Bay Drive, which was approved by Resolution 2749-06 on May 1, 2006.

A) Mayor Koniar reported without receiving the results from the background checks Council would be in violation of City Policy. City Clerk Perry Wilbourn suggested the Council review the financial report and Capital Projects for FY10-FY12 prior to making a decision on awarding the bid. Item was carried over until background checks are in and financial report can be reviewed. B) Item was carried over for the same reason as Item "A" previously. C) Resolution moved to Council Agenda. D) Item was carried over to give Butch Stokes time to draft up a counterproposal which looks at a possible acre per acre or square foot to square foot type agreement. E) Ordinance moved to Council agenda for first reading.

10. Leslie Lassiter: **A)** Discuss abandonment of Foley Parks Department monitoring wells as required by ADEM. Sampling wells must be removed. Thompson Engineering has developed the plan with a total estimated cost of \$13,000. If there is a consensus move resolution to the Council agenda. **B)** Consider resolution memorializing expenditure of \$240 for ADEM permit fee for Northwest Quadrant Drainage Improvement Project. **C)** Consider rescinding Ordinance No. 1075-08 and replacing with an amended Ordinance for the clearing and maintenance of lots that constitute a public nuisance. The amendment is to reflect to correct municipality class according to State law.

A) Resolution moved to Council agenda. B) Resolution moved to Council agenda. C) Leslie Lassiter asked the Council to consider suspending the rules for immediate adoption of the Ordinance in order to immediately correct the clerical error. Ordinance was moved to Council Agenda for vote for suspension of the rules for immediate adoption.

11. David Wilson: Consider resolution amending Resolution 3756-09 to properly reflect funding and expenses not currently budgeted for JAG Grant.

Resolution was moved to Council agenda.

12. Joe Bouzan: Request permission to increase the annual T-Hangar lease amounts.

Resolution was moved to Council Agenda.

13. Sandra Pate: Consider resolution for Street Department personnel, which require no additional monies. This resolution is in essence a formality to authorize the transfer of monies from the Full-time salaries account to the Part-time salaries account for the Temporary, Full-time Street Laborer, instead of funding and filling the Regular, Full-time Street Laborer position which saves the City the cost of benefits related to this position. The Temporary position is not to exceed one year and the Full-time position will remain unfunded until further notice. If approved move resolution to the Council Agenda.

Resolution was moved to the Council Agenda.

ADD ON'S

14. Meg Hellmich/Richard Peterson: **A)** Consider resolution acknowledging receipt of time extension granted by the EPA for the EPA Watershed Management Grant (in conjunction with Riviera Utilities). This grants a time extension of the project and budget period end date from 8/31/09 to 8/31/2010. Additional time is needed because the permit approval process has taken longer than anticipated. Also, Riviera will have sufficient time to study the effectiveness of both the recharge project and the reuse water pilot project. **B)** Consider resolution acknowledging notification from ALDOT that Cedar Street Sidewalk Project will be funded through TE Grant Funds (Not ARRA funding). The project total is \$450,000 with the Federal Share of \$360,000 and the City's match of \$90,000. Reference Resolution 3695-09, which originally approved funding through either TE Program or ARRA.

A) Richard Peterson reported they had requested an extension which has been granted. Riviera has taken samples of 14 sites. The recharge at Barin Field is ahead of schedule as well as the wastewater wetland project. A resolution was moved to the Council agenda. B) A resolution was moved to the Council agenda.

15. Consider Matt Maurin's, President of The Santa Foundation, request to waive the Civic Center fees for their 5th Annual Fundraiser that was held on Saturday, July 18, 2009. If approved a resolution approving a \$333 refund should be moved to the Council agenda.

A resolution was moved to the Council agenda.

INFORMATION ITEM:

16. Monthly Sales Tax, Lodging Tax and Rental Tax Reports.