

COUNCIL WORK SESSION AGENDA MINUTES  
CITY OF FOLEY  
CONFERENCE ROOM, 407 E. LAUREL AVENUE  
FOLEY, ALABAMA  
MONDAY, OCTOBER 19, 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, Vera Quaites and Rick Blackwell. Also attending were Perry Wilbourne, Sandra Pate, Vickey Southern, Joey Darby, Randy Bishop, Joe Bouzan, Butch Stokes, Leslie Lassitter, David Thompson, Reid Cavnar, David Vosloh, Jack Taylor, and Guy Busby.

ACTION ITEMS:

1. Approve Work Session Minutes of October 5, 2009.

*Councilman Blackwell made a motion to approve and Councilman Ebert seconded the motion. The vote passed unanimously.*

2. There are no Consent Agenda items for October 19, 2009.

3. Consider resolution de-annexing the property known as Flamingos. The property changed hands prior to the de-annexation's finalization.

*The resolution was moved to the Council agenda.*

DISCUSSION ITEMS:

4. John Koniar: **A)** In recognition of employee's hard work and dedication during 2009, consider resolution allowing City employees to receive a full day off with pay on Christmas Eve (instead of half day.) **B)** Consider resolution endorsing the Baldwin County Commission's route for the construction of the CR83 thoroughfare between I-10 and I-65 and opposing the route proposed by ALDOT. **C)** Consider Baldwin County Voluntary Organizations Active in Disaster's (VOAD) request for \$1,000 donation.

*A) A resolution was moved to the Council agenda. B) Baldwin County opposes the ALDOT proposed route and has come up with an alternate route for the extension. Mayor Koniar recommended endorsing the County's alternate route. Resolution was moved to the Council agenda. C) Mayor Koniar reported this is outside the FY10 budget. Sandra to write letter denying the request due to economic reasons.*

5. Perry Wilbourne: **A)** Consider resolution memorializing expenses in the amount of \$419.38 associated with the planting of the Oak trees on the north side of CR20 between Hwy. 59 and South Juniper Street, which was approved by Resolution

#3849-09. **B)** Consider resolution authorizing the Mayor to negotiate obtaining right-of-way for Graham Creek Nature Preserve access road.

*A) Resolution was moved to Council agenda. B) Britton Bonner is almost ready to move forward on the negotiations. The survey has been completed. Resolution was moved to Council agenda.*

6. Joe Bouzan: **A)** Consider resolution entering into an agreement with Sumrall Recycling Services/Sunny Bay Recycling as per previous contract to pick up the containers as needed and pay the City 70% of the current market value based on the weight tickets at the end of each month. The contract period would be November 1, 2009 through October 31, 2010. **B)** Consider resolution entering into an agreement with James R. Fincher Timber Co., Inc. to grind and remove vegetative debris twice a year in the amount of \$13,500 under account no. 01-610-2200. **C)** Consider resolution approving a one-year extension of Toter Incorporated's contract at a 4% reduction. **D)** Request permission to hire Volkert Engineering to prepare a pre-application for Airport improvements for FY2010. This pre-application is due to the Aeronautics Bureau no later than November 13, 2009.

*A) Resolution was moved to the Council agenda. B) Resolution was moved to the Council agenda. C) Resolution was moved to the Council agenda. D) Joe reported there are no funds involved at this point. There was a consensus to move forward with the pre-application.*

7. Sandra Pate: Consider resolution regarding a temporary amendment to the Personnel Policy regarding sick leave policy, to authorize the Mayor to approve paid sick leave for employees who may not have accumulated leave, to accommodate flue related illness during the 2009-2010 influenza season. See resolution for further detail.

*Sandra reported that many of the CDC's recommendations for the upcoming influenza season had been implemented at the City as noted on the memorandum in the Council packets. One of the CDC recommendations is for employers to implement flexible sick leave policies during the flu season to keep sick employees out of the work force and to discourage them from coming to work sick. If an employee does not have paid sick leave available to them, they come to work sick which could severely impact the spread of the virus in the work place according to the CDC. Additionally, employees may have a need to care for family members and may not have paid sick leave available to them. In these cases, the City would need to be able to grant leave quickly. Currently it takes up to two weeks to approve a donation of paid sick leave through Council and there will be situations where there is no time to wait for this process to take place. The Mayor may currently authorize unpaid leave for employees without Council action, but approving paid sick leave for employees (who do not have it) requires approval of Council. Therefore, the current request before Council is to authorize the*

*Mayor to approve paid sick leave on a case-by-case basis, only upon recommendation of the employee's supervisor, if the absence is due to flu or flu like symptoms of the employee and/or the employee's family member. Sandra noted that the supervisor has the discretion to call for a note from the doctor if there is suspicion of abuse of sick leave. This requested policy change would be temporary, with no time limitation currently set due to the inability to predict the duration of the flu season which the CDC says will most likely run to March or April of 2010. It was noted this policy would have to be revisited when the flu season ends in order to terminate the temporary policy. There was discussion regarding setting some kind of controls or limit to the amount of leave. This item was carried over for further research.*

8. Leslie Lassitter: **A)** Consider proposals for Graham Creek Nature Preserve signage, which is part of the ADCNR grant. Baldwin Design Works, LTD provided the best proposal based on the RFP and future maintenance needs. LA+South designed the signage. The total cost for the design, construction and installation of entry sign, canoe launch rules sign and street signs would be \$9,062.00. If approved move resolution to Council meeting agenda. **B)** Discuss Code Enforcement.

*A) Leslie requested to carry over this item and reported the gates are in and operating. The people living in adjacent neighborhoods are visiting even though there are no signs posted. Once the Preserve is open there will be Police monitoring. B) Leslie reported there are a lot of issues with grass and even though the weather will slow the grass down, the City's ordinance, which was drafted by the City's attorney, is not as effective as it might be. Through research we would like to follow the City of Northport's ordinance whereby the citizens are fined according to a fee schedule and on the third offense it becomes a misdemeanor. Leslie noted that they are working with the judge and magistrate and Britton Bonner to review and come up with a quicker way to cure the problem, especially with absentee ownership. If the owner of record is sent a letter and a police officer writes a warning ticket, and then if they still choose to continue to ignore the violation, they will end up in court. This will also assist with violations with regard to detention ponds in vacant subdivisions and areas where there are buffer strips. This was a discussion item and no formal action was required on this item.*

9. David Thompson: Discuss stage rental policy.

*David reported the City attorney had helped him develop a rental and hold harmless agreement for use in the rental of the City stage. He recommends the stage be used only on City property such as the public parks. A resolution was moved to the Council agenda.*

10. Wayne Trawick/Vickey Southern: Consider amending Ordinance 796-04 Section 3 to correct City records regarding real estate.

*The first reading of an ordinance was moved to the Council agenda.*

11. David Wilson: Consider resolution accepting 2009 DOJ grant funds in the amount of \$13,400, with no matching funds required. Grant will be used to purchase additional tactical equipment. The application was previously approved under enabling Resolution 3757-09.

*A resolution was moved to the Council agenda accepting the grant funds.*

#### INFORMATION ITEMS:

12. Thank you note from Mike Dasinger.
13. Thank you note from Eli & Erna Krehling.
14. Thank you note from Helen Schumacher.
15. Monthly reports: Sales Tax, Lodging and Rental.

#### ADD ON ITEMS:

16. Consider resolution allowing Mayor to submit an AG's opinion as the need may arise after further research has been done re: Vosloh Annual Donation to a Police Office.

*There was consensus to move forward with further research.*

17. Consider Ordinance authorizing the issuance and making provision for the payment of \$3,615,000 General Obligation Warrants, Series 2009.

*Reid Cavnar explained that the new interest rate on the refinancing is 4.13%, locked in over 20 years. This is a big improvement over the previous interest rate of 5.06% and saves the City approximately \$160,000 which will be realized in the current fiscal year. Reid noted that the City did not utilize bond insurance and the this was sold strictly on the City's AA- rating. Reid commented this was a great sale and that they appreciated the opportunity to work with the City on this. The ordinance was moved to the Council agenda suspension of the rules and immediate adoption.*

18. Review draft "Bill's to be entitled an Act" as follows: **A)** To consider amending the Constitution of Alabama of 1901, relating to Baldwin County, to provide that no municipality located wholly or partially within Baldwin County shall have or exercise any police, subdivision, zoning, land use, or planning jurisdiction beyond the corporate limits of the municipality. **B)** To propose an amendment to the Constitution of Alabama of 1901, relating to Baldwin County, to provide that only county-owned solid waste landfills shall be used for the disposal of solid waste.

*Mayor Koniar reported Rep. Steve McMillan sent this as an information item. The bills were drafted by the Baldwin County Commission. There was brief discussion and some questions regarding what this bill would mean for the recycling side of City's service and also questions regarding fire protection not being addressed in the bill. Mayor Koniar requested that the information be forwarded to Miriam Boutwell for review. No formal action was taken.*

19. YMCA "Lights on After School" event invitation October 22, 2009 4:00 p.m. until 6:00 p.m.

*Councilwoman Quaites and Councilman Ebert will try to attend this function.*