

COUNCIL WORK SESSION AGENDA MINUTES
CITY OF FOLEY
CONFERENCE ROOM, 407 E. LAUREL AVENUE
FOLEY, ALABAMA
MONDAY, JANUARY 4, 2010 4:00 P.M.

Mayor John Koniar called the meeting to order at 4:00 p.m. Those in attendance were Council Members Ralph Hellmich, Charlie Ebert, Wayne Trawick, and Rick Blackwell. Absent: Councilwoman Vera Quaites. Also attending were Perry Wilbourne, Sandra Pate, Vickey Southern, Joey Darby, David Wilson, Butch Stokes, Miriam Boutwell, Joe Bouzan, Sixto Rivera, Mel Davis, David Vosloh, and Guy Busby.

ACTION ITEMS:

1. Approve Work Session Minutes of December 21, 2009.

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

2. There are no Consent Agenda Items for January 4, 2010.

DISCUSSION ITEMS:

3. David Wilson: Discuss the proposed "Last Call" ordinance.

Chief Wilson reported that the sole reason for the proposed ordinance is for public safety purposes in stopping DUI's in Foley. He noted that both Orange Beach and Gulf Shores have the same ordinance in place which mandates a last call at 2:00 p.m. For the benefit of other attendees at the work session, Mayor Koniar took a moment to explain the mechanics of how an ordinance is passed by a first and second reading which allows the public to have their voices heard in the matter. He then stated he would allow brief comments to be made at this time. A representative from Rusty's bar was present and stated that he was already currently operating under a last call at 2:00 a.m. A representative from Club Evolution stated that he felt it was unfair for the City to just concentrate on the bars/clubs when other establishments like Wal-Mart, gas stations, restaurants, also have liquor available at all hours. A representative from Lil' Texas stated that they have their last call at 2:00 a.m. except on rare occasions like New Year's Eve, etc., and that then they only serve until 3:00 or 3:30 a.m. There was consensus by the Council to move the ordinance to the Council Agenda for the 1st reading.

4. Butch Stokes: Consider and recommend approval of revision to the Manual for Design and Construction Standards for requirement of title documentation.

Butch Stokes requested this item be removed from the Council Agenda.

5. Joe Bouzan: Consider declaring items in the Wilson Pecan Building as surplus except for those determined by the Purchasing Agent or Department Head to have a future use by the City that will be stored in the north building or another location. The items will be sold, discarded, or relocated and an accounting will be present to Council as a future date.

Resolution moved to Council Agenda.

6. Sandra Pate: consider resolution approving BCBE Community and Workforce Development Contract and Letter of Intent /Approval Form for one Baldwin County High School student to gain work experience at the City of Foley by working the in Street Department. There are budgeted funds available that could be used for this contract, requiring no new appropriate of funds. See attached resolution for further details. If approved move resolution to Council Agenda.

Sandra asked that this item be carried over to give Dan Hellmich, Street Superintendent more time to meet with the student and discuss work schedule and possible job duties. Carried over.

INFORMATION ITEMS:

7. Thank you note from Firefighters
8. Thank you note from the Carpenter Family
9. Thank you card from the Heard Family

ADD ONS:

10. Butch Stokes: Discuss in regards to the Glen Lakes Sidewalk Project the Council still needs to take action to approve 1) the fiduciary control and 2) the city's intent to match the \$30,000. If there is consensus move the attached resolution to the Council Agenda.

Butch noted that the work would be done using City forces. There was also discussion about pursuing the possibility of grant funding for the crossing at Foley Beach Express and/or other places where the path would have to cross existing roads, etc. Miriam noted that she is meeting with the Scenic Byway representatives on January 21st and will discuss this possibility. Resolution moved to Council Agenda.

11. Consider resolution appropriating funds for Board and Caboose Club member's reception January 21, 2010 at 2:00 p.m.

Vickey reported that the guest list was growing and estimated she would need \$1,500 appropriated to cover the cost of the reception. Resolution approving appropriation of \$1,500 was moved to the Council Agenda.

12. Mr. Frank Little: Discuss water/flooding issues on his personal property.

Mr. Little reported that he had been in the City of Foley since 1931 and has invested a lot of hard work into this area. He described problems he has had with water run-off on his property and stated for a long time he was not able to get anywhere in trying to resolve the issues. However, he noted that Dan Hellmich and Butch Stokes had been very helpful in assisting him recently in plugging and doing other things to help the issue and stated it was no longer a problem. He went on to state however, that he had incurred a lot of expense in remedying the problem and is now asking the City to reimburse him for some of this cost. He then submitted a hand-written note with the costs listed totaling \$1,310.00. Mayor Koniar replied that the City would turn this over to our legal staff to see what could be done. No formal action was taken.

13. Mayor Koniar: Discuss settlement of Ellis Property

Mayor Koniar reported that Casey has researched the title issue with respect to ownership of certain property and the City does not have clear title to the land. There is no definitive answer as to ownership and Ellis has agreed to pay ½ of the appraised value of the property which was appraised at \$120,400 by Weldon Payne. Therefore, Ellis has proposed to pay \$60,200 for the property which would settle the issue. Councilman Ebert noted that he is personal friends with the Ellis family so he will remove himself from the discussions. There was consensus by the Council to proceed with the deal at ½ the appraised price. Mayor Koniar requested that the paperwork be prepared to declare the property surplus and formalize the deal at the next Council Meeting. Carried over.

14. Charlie Ebert: Discuss signage in City right-of-ways.

Councilman Ebert discussed the problems with merchants putting signage in City right-of-ways. He noted he wants to see the City continue to help merchants in these tough economic times by continuing the current moratorium on temporary signage regulations. However, he noted the signage is cluttering the right-of-ways and the moratorium does not authorize the signage to be put in the City ROWs. His main concern is Hwy 89 and Hwy 59. He suggested talking to merchants to have them move the signage out of the ROW's and to begin enforcing this. Councilman Trawick asked about the signage for the Historic District and Perry Wilbourne commented that there are a lot of factors that play into that signage due to ALDOT, Historic District, Beautification Board, Scenic By-way rules/regulations. He suggested looking into signage on the sides of merchant's buildings. Signage on the FBE directing toward County Road 20 and the Tanger Mall was also discussed. Miriam Boutwell stated that she is meeting with the

Scenic By-way representatives this week and will discuss signage with them. Mayor Koniar ended by stating there was consensus to continue the current moratorium which allows merchants to use the temporary signage, but only on private property and not in City ROWs. Community Development will begin notifying merchants and enforcing the ordinance/regulations. Additionally, Mayor Koniar asked that this item be carried over for further discussion regarding the Historic District and FBE signage. Carried over for further discussion.

15. Ralph Hellmich: Discuss waiving annexation and zoning fees for certain parcels of land connected to the Holmes property.

Councilman Hellmich suggested waiving the annexation and zoning fees for four parcels of land associated with the Holmes property with the goal of bringing in all property along the south border of the Holmes property. He noted that the annexation of these parcels are to the City's benefit and a waiver of the fees would help provide incentive to the property owners to annex into the City. Resolution moved to Council Agenda to allow waiver of annexation and zoning fees for these properties.

16. Joey Darby: Update report on Anthrax Threat.

Fire Chief Joey Darby took a few minutes to brief the Council on the status of the anthrax threat that happened at local lawmakers offices today in Foley and around the State of Alabama. He noted that the FBI was working the case and that all of the testing of the substance so far has tested negative for anthrax. Even though the threat turned out to be negative, he commented on the extensive effort(s) that had to go into the operations and that it costs tax payers a substantial amount of money. He will keep the Council updated as further developments occur. Perry Wilbourne took a moment to compliment the efforts of the Foley Fire Department, especially the leadership of Chief Joey Darby. He stated that he witnessed exceptional leadership by Chief Darby, and additionally, that his firefighters demonstrated outstanding training. Perry also complimented the Foley Police Department and their efforts. He ended by saying that the City should be very proud of Chief Darby and Chief Wilson in that they performed magnificently today in what could have been an extremely serious situation.