

COUNCIL WORK SESSION AGENDA MINUTES
CITY OF FOLEY
CONFERENCE ROOM, 407 E. LAUREL AVENUE
FOLEY, ALABAMA
MONDAY, NOVEMBER 2, 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, David Wilson, Joe Bouzan, Butch Stokes, Leslie Lassitter, Stephanie Parden, Robin Fly, Darrell Melton, Miriam Boutwell, Kathy Danielson, Pam Ulrich, and Guy Busby.

ACTION ITEMS:

1. Approve Work Session Minutes of October 19, 2009.

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

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

3. Consider Mark and Stephanie Parden's request to use John B. Foley Park on December 12, 2009 from 8:00 a.m. until 5:00 p.m. for "The Giving" a community outreach project. If approved this would be their third annual event in the park.

A resolution was moved to the Council Agenda to approve use of the park.

4. Consider South Baldwin Chamber Foundation's request to hold the BBQ & Blues Cook-off at Foley Heritage Park & Pavilion March 19 and 20, 2010 as a fundraiser. If approved move resolution to Council Agenda.

A resolution was moved to the Council Agenda.

5. Consider resolution approving Planning Commission's amendments to the City's Master Comprehensive Land Use Map.

Miriam Boutwell reported that the map is a guideline only and the City can deviate from the map and re-visit it as often as necessary. There was minor discussion about what locations should be commercial. Due to the map being so small, it was very difficult for Council members to see and understand, so Community Development will print large paper maps and distribute to Council members for further review. Resolution moved to Council Agenda.

6. Consider appointment to Revitalization and Beautification Board. See attached Board recommendation. This position will fill a vacant position left by Mary Freeman.

Item moved to New Business for Voice Vote.

DISCUSSION ITEMS:

7. Steve Horn: Consider resolution approving a Host Agency Agreement to permit the Baldwin County office of the Easter Seals' Senior Community Service Employment Program to place two employees in the Library. See attached information.

Steve Horn was not present to speak on this item. Carried over.

8. David Wilson: **A)** Consider memorializing emergency repairs to emergency door to jail in the amount of \$9,864. **B)** Consider resolution approving purchase of rotating binder carousel to store 53 three-ring binders holding our outstanding

warrants. At present we have three different storage units scattered about the room.

A) Police Chief Wilson explained that the company that installed the doors went out of business. Repairs were done due to wear and tear and the disrepair of the doors became a safety issue. Resolution was moved to Council Agenda. B) Resolution was moved to Council Agenda.

9. Richard Peterson, Riviera Utilities: Consider HMR's change order #1 in the amount of \$20,559.20 to include the installation of the pump, meter and electrical components in the Wetland Treatment and Reuse Pilot Study Project. The work (by owner) in the Project could not be reimbursed by EPA if completed by our "In-House" crew.

In Richard Peterson's absence, Councilman Hellmich reported that this was a necessary step for the audit trail in meeting the EPA requirements and there was no cost involved to the City. Resolution was moved to the Council Agenda.

10. Sue Steigerwald: **A)** Recommend use of CDARS Program as an investment alternative for City Funds and establish Policies for placement of funds. **B)** Recommend purchase of six \$1.5 million CD's over three month period through CDARS for placement through Vision Bank at rates indicated in the attached RFP Summary. Once the ladder is established, Finance will renew each CD for six months with the Bank (after cash flow analysis and verification of competitive rate) with the result being a \$1.5 million CD maturing each month. Also recommend the establishment of DDA Accounts at a rate equal to 40% of Wall Street Journal Prime for deposits exceeding \$100,000.

A) Sue explained that recent State of Alabama Legislation amended the Code of Alabama allowing a public depositor to deposit public funds through a CDARS Reciprocal transaction. THE CDARS allows the City the opportunity to earn very competitive interest rates on investments and frees up staff time in tracking securities that would otherwise be required. CDARS are members of a special network and when the public depositor deposits with a CDARS network member, that institution uses CDARS to place the funds into certificates of deposit issued by banks in the network, in increments less than the standard FDIC insurance maximum to ensure that they are fully FDIC insured. Due to the reciprocal nature of CDARS, the exchange of dollar-for-dollar, means that the original deposit comes back to the local community. A resolution approving the use of the CDARS program as an investment alternative was moved to the Council Agenda. B) Joe Bouzan reported that not all of the local banks participate in the CDARS network, but all the ones that participate were sent RFP's for obtaining CDARS Rates. Vision Bank afforded the highest yield for placement through the CDARS program and Sue and Joe are recommending purchasing the CD's through the CDARS Program for placement through Vision Bank. Additionally, they recommended establishment of the DDA Accounts at the rate noted above. Perry Wilbourne asked questions regarding whether or not the investments were subject to arbitrage and he noted he believes they are. It was also noted that this may be the case after three years and/or after a certain dollar value but neither of these facts are certain. Sue will check with Heyward Hosch, the City's Bond Attorney, to clarify this and will confirm with Perry what she finds out on the question of arbitrage. Resolution to recognize Vision Bank as a Qualified Public Depository and Approve the Establishment of Accounts with Vision Bank was moved to Council Agenda.

11. Miriam Boutwell: Community Development Department needs maintenance and upkeep as follows: **A)** There is evidence of active termite damage on the CDD Building and there is no termite bond. Two quotes were obtained: Terminix \$980 and Beebe's \$790. **B)** The single story roof on the east side of the building needs re-roofing. Also the flat rood connecting single story to two-story needs replacing (mop-up roof). Requesting approval of \$3,305 for repairs by S&H Contracting,

A) Miriam reported that they had thought these funds were not budgeted, but they are. Beebe's had the lowest price on the Termite Bond. There was discussion that other buildings around the City may or may not have termite bonds and/or termite damage. Butch Stokes will have Randy Kurtts check the other City buildings and submit a report to Perry Wilbourne on the status of termite bonds on City buildings and/or termite damage noted. Resolution moved to Council Agenda approving the Beebe's quote at \$790.00. B) Resolution moved to Council Agenda to approve S&H Contracting at \$3,305.00. C) A resolution was moved to the Council Agenda approving Miles Bishop's (MCS Contracting, Inc.) for miscellaneous carpentry repairs in the amount of \$4,689.00. D) Miriam reported she had spoken to Stephen Pryor and he said recycling is included in the County's proposed Act regarding disposal of solid waste. However, Miriam noted that Butch Bledsoe had received a different answer on this and there are inconsistencies in the answers they are getting. She added there are lots of unknowns and unanswered questions at this time. From what she tell, if this Act is passed, no one really know at this time how it would work. Mayor Koniar noted that in a recent Mayor's meeting, the County assured the Cities that they would be competitive. He added that the City needed to keep it's pulse on both the proposed Acts, get our thoughts together and come to some conclusions that we can pass on, in writing, to Representative Steve McMillan. There were concerns expressed that the City needs to be sure we preserve our ability to control what our growth does in the future with regard to the proposed Act on jurisdictional planning, etc. After further discussion, it was decided that Miriam would work with Councilman Hellmich and the Planning Commission on the Act regarding jurisdictional planning. With regard to the other Act on disposal of solid waste and the recycling questions, Miriam will work Perry Wilbourne and Butch Bledsoe. Mayor asked that these groups document the concerns and/or desires of the City and we will work to draft an answer in writing to go directly to the Legislative Delegation. Miriam Boutwell to follow up and coordinate. Carried Over.

12. Leslie Lassitter: Consider resolution accepting proposals for Graham Creek nature Preserve Signage which is part of the ADCNR grant. See attached. Carried over from 10-19-09.

Leslie reported the signs will be made of recycled plastic and require little to no maintenance. The signs would be ready in approximately four to six weeks from order time. A resolution was moved to Council Agenda. Mayor Koniar reported Leslie was given an award by the Baldwin County Commission and we are very proud of her for her accomplishments.

13. Joey Darby: Consider request to purchase one Fire Extinguisher Training System from BulEx Digital Safety in the amount of \$10,260.65. \$14,000 was budgeted under the Fire Department Ad Valorem Account for this item.

Fire Chief Darby reported that the purchase of this equipment will help expand their Fire Prevention and Public Education programs. The equipment is a "smart system" that uses propane and a quick-recharge air/water extinguisher to provide realistic simulation for trainees. It is safer than conventional fire extinguisher training and doesn't have the cost and clean-up that dry-chemical or CO₂ extinguishers have. All props and fixtures are stainless and the unit comes with a full one-year warranty. A resolution was moved to the Council Agenda to approve the purchase.

14. Pam Ulrich: Review recommended changes to Senior Center Rules and Regulations.

Pam reported she has worked with City Attorney Casey Pipes to draft changes to the Senior Center rules and regulations which have not been updated since 1987. She added that the rules include allowing the Senior Center to have alcohol at the dances. Mayor Koniar noted that most of the other local Senior Centers do allow this. Pam report the Senior Center Advisory Board has signed off on the proposed new set of rules and regulations. She concluded by saying that the new rules and regulations would be posted on the doors for the various groups to review and it can also be posted on the website. Resolution moved to Council Agenda for approval.

15. Kathy Danielson: Consider resolution approving funds for Heritage Harbor Days Vendor Awards for displays at Heritage Harbor Days.

Resolution was moved to the Council Agenda.

16. Sandra Pate: Further discussion regarding temporary sick leave policy for use during the 2009/2010 flu. Carried over from 10-19-09.

Sandra noted this was a carryover for further discussion. Several options have been discussed to help keep sick employees out of the work place during the flu season as recommended by the CDC. Some of the Council members have suggested the City loan/advance sick leave to employees, who may not have sick leave available, if it becomes necessary during the flu season. The employee would then repay the sick back once they return to work. Sandra noted the supervisor or designee would be required to make that recommendation to HR who would then take the request to the Mayor who would then be able to approve the request without requiring it to come before Council. There are approximately 40 employees who have five or less days of sick leave available. There was general agreement that this method would be acceptable to Council and Sandra will draft a resolution to bring back to next meeting. Carried over.

Sandra also gave an update on the Flu vaccine: The seasonal flu clinic scheduled for today by the Baldwin County Health Department had to be canceled because they did not receive the vaccine as anticipated. They expect it any day and will call the City when it arrives. They will reschedule the flu clinic at that time and City employees will have priority as was previously planned. With regard to the H1N1 vaccine, Sandra reported that the Health Department is working primarily with the schools on this and therefore the City's medical provider, Dr. Hankins, has ordered the H1N1 vaccine for the City and they expect that to arrive within two weeks hopefully. They will provide the vaccine and administer the vaccination at no cost to the City. This was for information only and no action was required on this.

17. Charlie Ebert/John Koniar: Discuss installation of electrical panel at Soccer Park.

Councilman Ebert reported that the Chamber will take care of the expense on this because they will need more electricity during the Balloon Festival. There was consensus by the Council to approve the request.

INFORMATION ITEMS:

18. Foley Historical Commission's Annual Report
19. Grace Lutheran Church Installation Invitation
20. Kudo's letter from America's Best Inn & Suites
21. Reminder: Time Capsule Opening on Friday, November 6th at 3:00 p.m. Civic Center
22. Letter from the Office of the Attorney General, Chief Investigator regarding Law Enforcement Forensics Seminar held at the Civic Center

ADD ONS:

23. John Koniar: Consider Ms. Rehm's request for "No Smoking" signs to be installed under the Heritage Park Pavilion and at the Foley Satellite Courthouse.

Mayor Koniar noted the City has no authority over the Foley Satellite Courthouse building since it is County, but the City can put signs up at the Pavilion. Resolution was moved to Council Agenda to approve posting a "no smoking" sign at the Heritage Park Pavilion. Mayor Koniar requested Administration to contact Ms. Rehm to let her know she needs to contact the County on the request for the Satellite Courthouse. He also requested Administration to alert the Street Department to post the sign at the Pavilion.

24. Consider Volkert Engineering's request to temporarily close West Verbena Avenue from Hwy. 59 westward to the alley between Hwy. 59 and Alston Street for their annual "Business After Hours" Auburn-Alabama Party on November 24, 2009 between 4:30 p.m. and 8:30 p.m.

Item was moved to Council Agenda under New Business for Voice Vote.