

COUNCIL WORK SESSION AGENDA MINUTES
CITY OF FOLEY
CONFERENCE ROOM, 407 E. LAUREL AVENUE
FOLEY, ALABAMA
MONDAY, DECEMBER 7, 2009 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 and Vera Quaites. Also attending were Perry Wilbourne, Sandra Pate, Joey Darby, David Wilson, Randy Bishop, Leslie Lassitter, David Thompson, Butch Stokes, Jessica Nelson, Steve Horn, Meg Hellmich, Miriam Boutwell, David Vosloh, and Guy Busby.

ACTION ITEMS:

1. Approve Work Session Minutes of November 16, 2009.

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

2. Consider Consent Agenda of December 7, 2009.

Resolution moved to Council Agenda to approve two (2) items on the Consent Agenda.

3. Consider John McClure Snook Family YMCA's request to host the 2nd Annual Kids Need Heroes 5K Run/Walk. The race will start at 8:00 a.m. See attached request letter. If there is a consensus move to Council agenda under New Business.

Item was moved to Council Agenda under New Business for voice vote.

4. Consider Pat Davis' request to relinquish original documents from Melvin and Eunice Roberts from the recently-opened time capsule. The contents have been acquisitioned into the Foley Museum-Archives. If there is consensus, move resolution to Council agenda declaring surplus and authorizing the release.

Administration will make copies of the documents and will return originals to Pat Davis. Resolution moved to Council Agenda.

5. Further consider appointment for Historical Commission board member to fill Dave Rauch's unexpired term. See attached memo. Carried over from 11-16-09.

Mayor Koniar stated he had not had time yet to speak to the nominees. He will contact them and inquire if they are interested. Carried over.

6. Consider La'Tedra C. Bingham's, Emmanuel's Place, request for financial assistance.

There was consensus to deny the request due to budget constraints, etc. and staff will notify the requester. No formal action was required.

DISCUSSION ITEMS:

7. Sixto Rivera, Club Evolution: Discuss "Last Call" issue on alcohol sales.

Mr. Rivera addressed the Council in opposition to the "Last Call" ordinance currently being drafted. He stated that he felt Police Chief David Wilson was targeting his bar because of "his kind of bar" and that his bar was the only late night bar in Foley. He commented that they are trying to promote the night life here in Foley and that everything they are doing falls in line with the City's mission statement and that they actually exceeded those expectations. He noted

that the bar brings in tax dollars and that they do many things that have an impact on the quality of life in Foley such as the toy drive they are currently undertaking. He noted that Baldwin County is second in the state for HIV and that his bar has sponsored two (2) HIV testing clinics and they also distribute free condoms. After further discussion regarding his opposition to the Last Call Ordinance, he ended by saying that his objective was to get his side of the story to the Council because he felt that the Police Chief was misleading the Council and the City. He then extended an invitation to the Council members to attend the December 10th Toy Drive event from 8:00 p.m. to 10:00 p.m. No formal action required.

8. David Thompson: **A)** Cindy Hamrick, FHA Director, presentation regarding youth programs. **B)** Consider Southside Missionary Baptist Church's request to use Aaronville Park on Friday, December 18th and Saturday, December 19th for an outreach program. Friday will be for setting up and Saturday the event will be from 9:00 a.m. until 3:00 p.m. See attached request letter. If consensus move to Council agenda under New Business. **C)** Discuss Sports Park Rental Contract Policy.

*A) David Thompson reported that he and Ms. Hamrick had met and he was recommending approval of her request for funding. He noted that the programs Ms. Hamrick is wanting to offer do not a duplicate programs already in place. The proposed FHA programs are subsidized and are targeted to reach a different segment of the population in that the FHA programs are free programs. Ms. Hamrick then addressed the Council and reported she wanted to start with a basketball program and then possibly offer tutoring, mentoring, and/or art programs. She reported the GED program will be going from two to four days. Mayor Koniar stated that he felt that Ms. Hamrick now had a viable plan for the FHA and he recommended this as a good investment. Councilman Ebert voiced continued concerns about duplication of efforts and/or programs. There were discussions that the FHA was the only facility that had a basketball court. Councilman Hellmich suggested funding the FHA program for half the funding level and have Ms. Hamrick report back in six months. Perry Wilbourne asked Ms. Hamrick about the hours for services for the children and she replied that the center could do age four and up during the day and also service after school children until at least six p.m. Councilman Ebert responded he was not in favor of funding at this time and would like to see the YMCA and the Boys and Girls Club come together in a meeting with the FHA to discuss programs and/or identify any duplication of programs/efforts. David Thompson will facilitate a meeting of the three parties. Carried over. **B)** Item was moved to Council Agenda under New Business for voice vote. **C)** Due to tight time constraints in the work session meeting, David offered to have this item carried over until next meeting. Carried over.*

9. Butch Stokes: Consider \$1,200 payment to Riviera Utilities for cost not included in the Northwest Quadrant Drainage Project. Provisions were not made for the contractor to assume in their bid. See attached. If approved move to Council agenda.

There were questions from the Council on why the City was being billed for this. Councilman Trawick stated he was concerned about setting a precedent. Butch Stokes will contact Riviera and find out why we are being billed for this. Carried over.

10. David Wilson: **A)** Request resolution accepting ADECA Traffic Grant monies in the amount of \$4,000 to conduct traffic enforcement. No matching funds required. Funds will be used to pay overtime for traffic details. **B)** Consider resolution approving ADECA/LETS FY2009 Byrne JAG Program Grant application with a maximum amount of \$25,000, with no matching funds required, to purchase a digital finger print machine. **C)** Consider resolution accepting \$188,582.89 bid

from Hurricane Electronics for a new public safety radio system. In addition, consider request of additional \$3,000 to cover any unexpected expenses during installation. This is a budgeted item in the amount of \$233,785. **D)** Consider resolution approving funding from the Correction Fund to do some repairs to PD's Door Entry System. Also requesting the addition of four new door locks that we have determined that need adding. **E)** Consider resolution approving sick leave to a deserving employee. See attached.

A) Resolution moved to Council Agenda. B) Mayor Koniar stated this didn't need a resolution, just consensus and there was general consensus to approve the application. C) Resolution moved to Council Agenda. D) Resolution moved to Council Agenda. E) Resolution moved to Council Agenda

11. Leslie Lassitter: Discuss abandonment and removal of old Foley Police Department monitoring wells as required by ADEM. Thompson Engineering will develop the plan and perform the abandonment with a total estimated cost of \$6,058.50. If approved move resolution to Council agenda.

Leslie reported this is the last of the wells. Resolution moved to Council Agenda.

12. Meg Hellmich: Consider request to change budget amount for a printer for the Revenue Officer from \$675 in "Small Tools" account to \$1,400 to "Capital Purchases". Further research shows a significantly lower "cost of ownership" (ink cartridges, etc.) for the Kyocera 4000, which is what is being requested, versus the original request so that user costs are kept at a minimum.

Meg requested that this item be carried over in order to further research comparable printers/prices. Carried over.

13. Vickey Southern: Consider resolution approving the Baldwin County Easter Seals Senior Community Service Employment Program Host Agency Agreement to temporarily place one employee in General Government to have someone do the mail and post office run, learn the switchboard and fill in for Brenda's lunch. See attached documentation. The only cost to the City would be for a background check as Easter Seals is responsible for paying wages. If approved one resolution can be done for both work session items #13 and #14.

Resolution was moved to Council Agenda to approve the Easter Seals Employment Program for both General Government and the Library (#14 below).

14. Steve Horn: Consider resolution approving the Baldwin County Easter Seals Senior Community Service Employment Program Host Agency Agreement to place two employees in the Library. Carried over from 11-02-09.

Approval for this item was covered in Item #13 above.

15. Joey Darby: Consider approving 2009 SAFER Grant through the Department of Homeland Security. The deadline is December 18th. Carried over from 11-16-09.

Joey briefed the Council on the costs associated with the SAFER Grant which amounts to the grant paying 100% the first two years, and the City to begin paying 100% on the third year at a cost of approximately \$331,866 annually. The City's cost would most likely begin in FY13. Joey added that the grant would also reduce part time by about \$30,000 annually if approved. He added that currently, the Fire Department does not meet National Safety Standards and that the hiring of the six firefighters would bring them to a point where that would meet the national standards. Councilman Trawick stated that he felt a commitment at this time was risky due to the unknowns of the current economic situation. Perry Wilbourne stated that he was uncertain how bad the increase in staff was needed and that further study/analysis should be considered. Councilman Hellmich suggested developing a strategic plan to help analyze the situation and to better plan for the future. After further minor discussion, Mayor Koniar stated that the

City would pass on the grant application this year and work on the justification for the staff increase for the possibility of applying next year. No formal action was taken.

16. Perry Wilbourne: **A)** Discuss 1960 right of way in Azalea Park, Phase I. **B)** Consider resolution appropriating funds to light the Elm trees at Hwy. 98 and Alston Street.

A) Perry Wilbourne reported that there is a potential buyer for this property and that the problem regarding the right-of-way needed to be settled anyway, whether or not the property sells. An ordinance to vacate the right-of-way was moved to the Agenda for suspension of the rules and immediate adoption. B) Jessica Nelson reported that the anticipated cost had been reduced and only \$3,000 was now needed. A Resolution, not to exceed \$3,000, was moved to the Council Agenda.

INFORMATION ITEMS:

17. Thank you note from the Cuellar Family
18. Thank you notes from the Warren Family
19. The Lighthouse Newsletter
20. Article from www.examiner.com regarding Small Towns and Downtown in Alabama

ADD ONS:

21. Wayne Trawick: Review relaxation of code as to temporary advertising methods due to economic recession.

There was discussion regarding the temporary moratorium on the enforcement of signage in the downtown area and Councilman Ebert noted that businesses were sticking home-made type signage in the right-of-ways and the flower beds and he felt tighter controls were needed. Councilman Trawick stated that the moratorium was done to try to help business owners during these tough economic times, particularly in the downtown area, and he suggested that the City continue to relax the enforcement through the holidays and maybe revisit in February. There was continued discussion on the topic and Mayor Koniar ended by stating he was hearing general consensus to continue relaxing the restrictions on the temporary signage and that the City would pick this back up after January 1st. No formal action was taken.

22. Perry Wilbourne: Discuss Streetscape Improvements

Perry reported that Riviera will provide fixtures, poles and installation for the downtown streetscape project at a cost of \$163,400 and finance this cost over 10 years at a 4% interest rate. This is common practice for Riviera to do this and is similar to how they do subdivisions. After minor discussion, it was decided to move a resolution to the Council Agenda authorizing the Mayor to sign the agreement with Riviera.