

COUNCIL WORK SESSION AGENDA MINUTES  
CITY OF FOLEY  
CONFERENCE ROOM, 407 E. LAUREL AVENUE  
FOLEY, ALABAMA  
MONDAY, DECEMBER 21, 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, Rick Blackwell and Vera Quaites. Also attending were Perry Wilbourne, Sandra Pate, Vickey Southern, Joey Darby, David Wilson, Leslie Lassitter, Kathy Danielson, David Thompson, Butch Stokes, Jessica Nelson, Jeff Rouzie, Donna Watts, Miriam Boutwell, David Vosloh, and Jerry Dubose.

**ACTION ITEMS:**

1. Approve Work Session Minutes of December 7, 2009.

*Councilman Hellmich made a motion to approve the work session minutes. Councilman Blackwell seconded the motion and the vote passed unanimously.*

2. There are no Consent Agenda items for December 21, 2009.

3. Further consider appointment for Historical Commission board member to fill Dave Rauch's unexpired term. See attached memo. Carried over from 11-16-09 and 12-07-09.

*Janay Dawson's name was submitted for recommendation and moved to Council Agenda under New Business. Councilman Trawick requested that someone with construction and/or real estate experience be considered for filling future vacancies. Mayor Koniar requested that Sandra Pate follow-up to be sure the Historical Commission was informed of Councilman Trawick's request.*

4. Consider resolution accepting the Judge of Probate's Order of De-annexation for the property known as The Pantry a/k/a Flamingos. This is the final step in the de-annexation process for this property.

*The resolution was moved to the Council Agenda.*

5. Consider reappointing Maxie Kaehr to the Museum-Archives Board. She is willing to serve another term. If approved move under New Business.

*The reappointment was moved to Council Agenda under New Business.*

**DISCUSSION ITEMS:**

6. Jessica Nelson: **A)** Consider resolution approving a CLG Survey and Registration Grant application in the amount of \$1600 to have a professional correct errors on the City's National Register of Historic Places Nomination. **B)** Consider a resolution approving a CLG Local Historic Preservation Commission Training Grant application in the amount of \$2400 for training. These grants are 80/20 matching grant. See attached for additional information. **C)** Consider resolution approving new contract with Pitney Bowes.

*A) The resolution was moved to the Council Agenda. B) The resolution was moved to the Council Agenda. C) Jessica reported that currently three mail machines are being leased around the City. By centralizing the mailing operations as detailed in the proposal, the City could experience a savings of approximately \$586 per month savings. The resolution was moved to the Council Agenda.*

7. David Thompson: **A)** Discuss Sports Park Rental Contract Policy. **B)** Further discuss the FHA contract and report on FHA/YMCA meeting.

*A) David reported he had worked with Ashley Bonner in preparing the draft rental contract and he is now asking for the Council's input and thoughts regarding the rental contract and the best way to recover costs. The costs reflected in the draft rental agreement are comparable to those of Gulf Shores and Orange Beach. Mayor Koniar commented it is important to recoup costs, but also to stay competitive. There was some discussion regarding how the security and off-duty officer requirement would be handled. After further minor discussion this item was carried over to give the Council time to review the agreement and forward comments/feedback to David. David commented that he would like to try to have the rental contract approved by the end of January. Carried over. B) David requested this item be carried over until the meeting could be scheduled with the FHA and other entities. Council members Ebert and Quaites will attend the meeting as well. Carried over.*

8. Butch Stokes: **A)** Further discuss \$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. Carried over from 12-07-09. **B)** Consider resolution approving installation of two (2) street lights at the intersection of Pride Drive and South Pine Street (poles 137 and 386). See attached for details. **C)** Consider resolution accepting an agreement between Holmes Family, LLC for right of way. **D)** Discuss Tanger signs. **E)** Consider 15' wide permanent easement from Turf Properties LLC located along the southern right of way of CR20 for the purpose of constructing a sidewalk from property owned by the Lakeview Estates Property Owners Association westerly to the Foley Beach Express and create a Lakeview Estates Property Owners Association.

*A) Butch reported that this charge was not included in the cost of the construction project and that either the City would need to pay now or there would need to be a change order done. Councilman Trawick commented he preferred not setting a precedent for this and suggested doing a change order. Butch will follow up and bring a change order back to Council for approval. Carried over. B) The resolution was moved to the Council Agenda. C) This item was removed from the Agenda because it was not required since the Council had already authorized the Mayor to negotiate the right-of-way agreement on October 19, 2009 under enabling resolution 3880-09. D) Butch reported this was a discussion item only and that he was asking for clarification on this. Mayor Koniar commented about six months ago, Jackie Sewell had asked for signage at County Road 20 and the Foley Beach Express to point toward the Tanger Outlet Center. There was some discussion on what type of signage should/could be installed. Additionally, it appears that parts of the roadways may be in the Scenic Byway and there were questions of how that might impact signage and what is or is not allowed. Miriam Boutwell will follow up and report back to Council. Carried over. E) David Vosloh reported Glenlakes Subdivision HOA had contacted the City regarding a bike path they are interested in constructing which will connect the City's sidewalk on County Road 20 to their Glenlakes Subdivision. Mr. Vosloh reported they have 600 homes in their subdivision and will have 1,000 homes when it is built out. He commented there are no sidewalks and/or bike paths available and younger retirees are looking for places to walk/bike in the subdivision. He reported he has contacted Robert Craft who is willing to donate the land necessary for construction of the bike path. The plan is for the HOA to raise half the cost of the construction of the bike path if the City would pay for the other half. He added there is a need for an 8' wide path to be suitable for bikes. He has also contacted the Baldwin County Trailblazers about the possibility of partnering on the project and to verify the recommended width for the bike path. The Trailblazers Board meets the third week in January and Mr. Vosloh has been told that they see no problem in being able to partner on this project. Butch Stokes reported that if City forces did the work it would cost approximately*

*\$53,174 for an 8' path and \$44,444 for a 6' path. David Vosloh discussed the need for contributions to be able to flow through a 501(c)3 entity for tax deductible purposes. There was some question as to whether the City qualified or not and that the Trail Blazers could fill that need if necessary. Perry Wilbourne noted that he believes the City does qualify under that tax code. Administration will follow up to check on this. Also, it was discussed there may be an advantage partnering with the Trailblazers in that the money may be able to be leveraged against the possibility of some grant funding. David Vosloh will coordinate with Miriam Boutwell to check into this. Mayor Koniar suggested the Council move forward with the resolution accepting the donation of the right-of-way property from TurfProperties, LLC and then continue to work on the funding mechanisms into the new year. A resolution accepting donation of right of way for the bike path was moved to the Council Agenda.*

9. David Wilson: 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. Deadline is January 18, 2010.

*A resolution was moved to Council Agenda.*

10. Leslie Lassitter: **A)** Consider resolution approving ADEM permit fee for Graham Creek Nature Preserve Access Road from Foley Beach Express in the amount of \$375. This is part of the USDA Cooperative Agreement. **B)** Consider an ordinance for establishing a schedule of fines for violations of certain ordinances. (Proposed ordinance attached.)

*(A) Leslie reported that construction would start in January and the deadline to have the road completed falls in March 2010. A resolution was moved to Council Agenda. B) Leslie reported that Ashley Bonner had helped draft the ordinance and Mary Murchison has reviewed it. The Ordinance was moved to the Council Agenda for first reading.*

11. Wayne Trawick: Discuss electrical additions at the Soccer Park for the Balloon Festival.

*Donna Watts submitted a map of the grounds and explained the details of the upgrades for the electrical supply for the benefit of the Balloon Festival. After discussion the item was carried over for further consideration.*

12. Sandra Pate: **A)** Consider resolution approving certain changes in employee health, dental and prescription drug benefit structure and/or providers for the twelve month period beginning January 1, 2010. **B)** Consider resolution approving certain change(s) in personnel status and job description(s) in the Convention and Visitors Bureau Department. **C)** Consider resolution approving certain change(s) in personnel status and job description(s) in the Fire Department.

*A) Resolution was moved to the Council Agenda. B) There was concern expressed by Councilman Trawick regarding how this would affect the City's hiring freeze. Sandra noted that the hiring freeze was on specific, non-budgeted, positions as detailed in the budget resolution supporting documents. In contrast, the positions being discussed are currently active positions and are budgeted for the entire fiscal year. Councilman Trawick expressed further concerns regarding part-time positions being able to morph into full-time positions and causing the City workforce to grow. Sandra noted that permanent, part-time employees are restricted by City policy to work no more than 19 hours a week. This policy was put into place quite some time ago so the City would not have to pay retirement benefits on part-time employees. After further discussion, the resolution was moved to the Council Agenda and administration will double check to be sure*

*there are no conflicts with the wording of the resolution with regard to the hiring freeze. C) Resolution was moved to the Council Agenda.*

13. Miriam Boutwell: Establish a budget of \$1,500 for the Alabama Communities of Excellence (ACE) meetings/workshops.

*Resolution was moved to the Council Agenda.*

14. Joey Darby: Consider resolution accepting bid for custom pumper for the Fire Department.

*Resolution was moved to the Council Agenda.*

**INFORMATION ITEMS:**

15. Monthly Sales, Rental and Lodging Tax Reports.

16. Christmas Card from SouthernLINC Wireless.

**ADD ON'S:**

17. Jeff Rouzie: Discuss preparations for December 31<sup>st</sup> Special Called Meeting.

*Jeff reported there will be a meeting on Tuesday morning to discuss the Wolf Bay Lodge construction project. There will be a special called council meeting on December 31<sup>st</sup> to finalize documents necessary for starting the project. Jeff reported there are hopes the project can be complete by May 2010. Jeff will route the contract documents to council ahead of time so they have a chance to review the documents and get any questions/concerns addressed prior to the December 31<sup>st</sup> meeting. This will be important in order to be able to finalize the documents at the December 31<sup>st</sup> meeting. Jeff added that all costs will be rolled back into the lease which is to be amortized over fifteen years. No formal action was required.*

18. Consider appointment to the Foley Housing Authority

*This item was carried over due to lack of time.*