

COUNCIL WORK SESSION AGENDA MINUTES  
CITY OF FOLEY  
CONFERENCE ROOM, 407 E. LAUREL AVENUE  
FOLEY, ALABAMA  
TUESDAY, SEPTEMBER 8, 2009 3:30 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, Vera Quaites and Rick Blackwell. Also attending were Perry Wilbourne, Sandra Pate, Vickey Southern, Joey Darby, David Wilson, Randy Bishop, Butch Stokes, Miriam Boutwell, David Thompson, Donna Watts, Kathy Danielson, Meg Hellmich, Mike McGowin, Sue Steigerwald, Leslie Lassiter, David Thompson Sr., Harrison Black, Dan Savage, Bobby Graham and guy Busby.

**ACTION ITEMS:**

1. Approve Work Session Minutes of August 17, 2009.

*Councilman Hellmich made a motion to approve as written. Councilman Ebert seconded the motion and the vote passed unanimously.*

2. There are no Consent Agenda items for September 8, 2009.

3. Dan Savage, Crossroads Development: Discuss possibility of joint grant application between the City and Crossroads Development.

*Mr. Savage was present to discuss a joint grant application for purposes of horizontal development and improvement of approximately 160 acres of property located at the southwest corner of County Road 20 and Foley Beach Express. Since this is a TIGER Grant, the City would have to sponsor the grant. However, Mr. Savage said their company and their grant writer would do all the work involved in preparing the grant application, etc. The idea for the property would be to carve it up into smaller units and engineers have estimated the cost of development at \$5 million dollars. There was a question as to what would happen if the project failed to be completed for any reason and Mr. Savage responded that their company would plan to put up a bond or security. Meg Hellmich, the City's Grant Coordinator, commented she did not think the area was adequately zoned for the proposed plan. She also noted that her contact at USDOT, Margaret Hauss, could not answer the question as to what ramifications the City might experience if the project never happened. Meg noted that concerns regarding the City having to pay back funds and/or the grant's potential for adversely affecting the City's future grant awards. Meg also noted that much like other stimulus grants the City has looked at, this grant requires creation of jobs. However, the details are ambiguous and there are many unanswered questions. Mr. Savage commented that the grant is a lot like the lottery – if you don't apply you won't know if you can get it. Mr. Savage noted that if they were lucky enough to get the*

*grant, they would work out an agreement with the City regarding the zoning issues due to it being currently zoned for everything except the apartments. He noted they could come back and take the apartments out of the plan if necessary. After further minor discussion, there was consensus to move a resolution to the Council Agenda to approve moving forward with the City sponsoring the TIGER Grant application.*

4. Consider Board reappointments: Board of Adjustments and Appeals - Sheila Hodges' term expires October 4, 2009; Senior Citizens Board – Bob Graham's term expires on October 1, 2009; Senior Citizens Board – Charlie Fisher's term expires October 16, 2009.

*Bob Graham, Chairman of the Board, stated he would like to continue to serve as a regular Board member but not as a Chair. Moved to Council Agenda under New Business for Voice Vote.*

5. Foley Elementary PTO: Consider request to provide \$1200 to cover insurance for Fall Festival to be held October 3, 2009 from 10:00 a.m. until 5:00 p.m. The fees for Heritage Park Pavilion were waived under enabling Resolution 3687-09 April 20, 2009.

*David Thompson requested this item be withdrawn. Due to the cost of the insurance, they may decide to move this event to school property. However, they will continue to reserve the October 3, 2009 date for the event until they decide if they want to move the event or not. No formal action taken.*

#### DISCUSSION ITEMS:

6. Ms. Donna Watts, South Baldwin Chamber of Commerce: Update on Balloon Festival (Carried Over from 8-17-09).

*Ms. Donna Watts thanked the Council for their support of the Balloon Festival. She noted that the festival drew at least 80,000 people and 45 balloons. All flights took off and landed successfully. Ms. Watts reported that informal polls show the event had over a \$2 million dollar impact. She noted that Tanger's traffic and sales were up for the weekend, as well as sales at local restaurants, motels, and other retail shops. The event for next year will again be scheduled for Father's Day Weekend. Ms. Watts reported there will be a new kite show event that will be available for families while the balloons are on the ground. The kites are 70 to 80 feet tall. She expressed appreciation to all the City workers and said they could never pull off this event without the wonderful job that City workers do to assist. No formal action taken.*

7. Harrison Black, CEO of Baldwin Housing Alliance, Inc.: Discuss Baldwin Housing Alliance's plans.

*Mr. Black reported the Housing Alliance has a mission to provide affordable housing and housing education throughout the County. He noted that supporters include the Baldwin County Commission, Chambers, various realtor associations, and others. The Alliance works with other non-profit agencies to centralize operations and make sure services are not duplicated. The Alliance has certified over 100 realtors in their Workforce Housing program and have developed various realty teams. The Alliance is asking the City for financial support in the amount of \$15,300. Mayor Koniar thanked Mr. Black for his presentation and the good work that the Alliance is doing, but he noted at this time the City was under budget constraints and it would not be possible to grant the request for financial support at this time. Councilman Hellmich asked if there was any other way the City may be able to help? Mr. Black noted they have received donations such as office furniture and various other items. He said he would check their list of needed items. He closed by saying the Alliance will continue to send updates to the Council to keep them informed as to their progress. No formal action taken.*

8. Charlie Ebert/Jason Kozon: Consider Rotary Club's request to declare November 20, 2009 as Ed Zimmerman Day in conjunction with dedication ceremony of a memorial bench previously approved by Historical Commission. If approved move proclamation to Council Agenda. The proclamation is to be presented to the family at the dedication ceremony.

*The proclamation was moved to the Council agenda.*

9. Vera Quaites: Consider Foley Housing Authority's request to correct Donald Barnett's term of office which was incorrectly done in 1996 and has carried forward. Also three of the Board's members' terms have ended up terminating during the same year. These are to be staggered terms. In order to get the terms back to being staggered terms consider reappointing the members with the following terms deadlines: Donald Barnett ending 2011; Vernie Heard Jr. ending 2012; Ethel Bodiford ending 2013 and Juanita Houston ending 2014. The reappointments shall be for a period of five years. (See attached backup information.) If consensus move resolution to Council agenda.

*A resolution was moved to the Council agenda.*

10. Wayne Trawick: Consider resolution waiving Civic Center fees for a Celebration of Life on September 26, 2009, 3:00 p.m. until 7:00 p.m. for Stan Mahoney and a proclamation declaring September 26, 2009 as Stan Mahoney Day in his memory. If consensus move resolution waiving fees and proclamation declaring September 26<sup>th</sup> at Stan Mahoney Day.

*Both the resolution and proclamation were moved to the Council agenda.*

11. Consider the Utilities Board's request to increase the Board's compensation from \$140 to \$200 (not to exceed \$2,400 annually) for the Directors and from \$175 to

\$300 (not to exceed \$3,600 annually) for the Chairman as set out under Code of Alabama Sec. 11-50-313. If there is a consensus, move resolution to Council agenda.

*A resolution was moved to the Council agenda.*

12. Sue Steigerwald: Consider resolution acknowledging the Mayor's acceptance of First National Bank of Baldwin County's "Request for Proposal." If consensus move resolution to Council Agenda. (Carried over from 08-17-09.)

*Sue Steigerwald reported that First National Bank of Baldwin County had the lowest interest rate. Resolution moved to the Council agenda.*

13. Miriam Boutwell: **A)** Consider ordinance amending the Construction Board of Adjustments and Appeals Resolution No. 1040-95. **B)** Consider appointing an alternate to the Zoning Board of Adjustments and Appeals. (Carried over from 08-17-09.) **C)** Consider 2010 Census Partner Proclamation. If consensus moved under Ordinances, Resolutions and Other Business. **D)** Consider Fairmont Subdivision's request to move forward with annexation by Legislative Act. See attached reports by Community Development Department and Engineering Department.

*A) Miriam reported the ordinance is being amended in order to match the new State Codes and Randy Arp has been added to the list. Ordinance was moved to Council Agenda for first reading. B) Miriam reported that state code sets up 5 regular members and 2 alternate members. She said they do not have anyone in mind and Vickey has forwarded a list of people interested in serving on a Board. However, none were qualified for this position. This item was carried over. C) The proclamation was moved to the Council agenda. D) Miriam Boutwell and Butch Stokes reported there are concerns regarding right-of-way width; flood zone issues, and areas that are non-compliant with City regulations. The cost of providing public services to this area is also a concern. It was noted this is a beautiful subdivision; however, the staff recommendation is to deny the annexation request. There was some discussion that if the homeowners association were amenable to an assessment in order to defray the costs of bringing the sub-division up to the City's specifications, Council may reconsider the request. This item was carried over to give Mr. David Thompson, Sr. time to see if the homeowners association might want to consider an assessment over a certain period of years.*

14. Miriam Boutwell/Chief Wilson: Consider the first reading of an ordinance amending the Zoning Ordinance to establish additional regulations for unrelated people living in one-dwelling unit.

*Chief Wilson stated this is really an "over-occupancy" ordinance and ordinances of this type are used widely in the U.S. to help protect the public from problems*

*occurring when multiple and un-related people live in the same single-family dwelling. He noted that it doesn't impact anyone if the person(s) are related. The ordinance will help with noise and traffic problems as well as drug related issues. The ordinance was drafted by City legal counsel Casey Pipes and does exempt group homes that are in business zones. Chief Wilson stated that the ordinance would be enforced through zoning, but the Police Department will help out if necessary. The ordinance was moved to the Council Agenda for first reading.*

15. Pam Ulrich: Consider request to transfer \$1,408.70 from Municipal Complex Small Tool Account No. 10-616-5010 to Capital Purchase 01-616-7010. The funds will be used to purchase a 14' utility trailer that will be used by our department to transport various large items, such as equipment, tools, furniture, hurricane panels, etc. At the beginning of the budget year we were looking at a 10' trailer for approx. \$900. The decision was made to get a larger trailer with sides that would have more practical uses and could also be used by other departments it needed. The trailer would be purchased from Bye-rite Trailer Mfg. in Elberta.

*Resolution moved to Council Agenda.*

16. David Thompson: **A)** Consider resolution rescinding Resolution No. 3780-09 waiving fees for the use of Heritage Park Pavilion on Saturday, September 11, 2009. **B)** Consider request from Foley PD to use Heritage Park October 18, 2009 for a Hispanic festival. If approved move under New Business for voice vote.

*A) David Thompson requested to rescind per the original persons request. Resolution moved to Council Agenda. B) Resolution moved to the Council agenda.*

17. Meg Hellmich: Discuss findings/recommendation on pursuing ARRA grant funds. (Carried over from 5-12-09.)

*Meg reported that her and Sandra Pate had reviewed and analyzed the grant and it's requirements and there are many concerns with this grant, a/k/a the Honeywell Wi-Fi Grant. These concerns are mainly due to the ambiguity of the grants requirements regarding the creation of jobs, sustainability, future funding, unforeseen expenses, long term growth/viability, etc. Also, Riviera has not shown interest in partnering on the grant regarding ISP services to citizens, so the City would have little means to recoup costs. The County has not shown interest either and only Robertsdale is pursuing the possibility and they had been looking at the technology prior to the grant being offered. Other concerns regard the 20% match requirement and validating that Foley is an "underserved" community. Meg reported it is staff's recommendation to forego applying for this grant. After further minor discussion, there was consensus that the City would pass on applying for this grant.*

18. Butch Stokes: **A)** Discuss accepting maintenance of roadways that have been maintained by the County. **B)** Information only: After receiving the RFP from Volkert it was decided that the Police Department would conduct the speed limit study on CR20.

*A) Butch reported on efforts with the County to come up with a plan for annexing certain roads where a 50/50 mutual maintenance trade-off could be worked out. The goal is to get all the road maintenance confined making it easier for both the City and the County to maintain the roads in what is now a sort of “checkerboard” conglomeration. Butch noted that he tried to keep the City’s maintenance between Hwy. 59 and the Foley Beach Express; whereas on the west side of Hwy. 59, the County would have responsibility. Dan Hellmich in the Street Department has looked at this and has agreed on it as well. Butch distributed the written plan to Council and noted that at this time he was just requesting that they review it. If the Council liked the plan, he would then get back to the County with it. At some point, a resolution would be required for approval. After minor discussion, there was consensus for Butch to take the plan back to the County to see if they approved of the current draft plan. Carried over. B) David Wilson reported the Police Department will be happy to assist and to set up their speed limit machine so they can conduct the study. There was consensus to proceed with the speed limit study. No formal action required.*

19. Kathy Danielson: Consider resolution renewing lease agreement for one year.

*A resolution renewing the lease agreement for the new term of October 1, 2009 and ending September 30, 2010, was moved to the Council agenda.*

20. Ralph Hellmich: Consider letter showing support by the cities and organizations for the continued development of controlling stormwater runoff by establishing the Baldwin County Stormwater Commissions guidelines. No money is involved by the City at this time or does it obligate the City in the future. The Commission proposals will be voted on by the County’s citizens in November 2010. (This will require a senior staff member from Public Works/Engineering and the Mayor or designated proxy from Council or Planning Commission to serve on the BCSC Steering Committee.)

*Councilman Hellmich noted that about a year ago the City voted and approved supporting these efforts. He added there is no money required at this time, only a generic letter of support from the Mayor saying the City will send representatives to the meetings, etc. The item was moved to New Business for voice vote.*

21. Mayor Koniar: **A)** Discuss the Financial Plan. **B)** Discuss/Update on NW Quadrant Drainage Project. (Carried over from 8-17-09 Work Session.) **C)** Discuss Code Enforcement.

*A) Mayor Koniar reported that the draft FY10 budget has been prepared and Council now has a copy for review. He complimented the staff for a great job on this budget and noted that the budget included few changes. Basically it is flat and lean. Some cuts in community donations have been made and funding for Foley High School coaches have been cut 10%. There also are no merit increases nor cost of living adjustments for employees in the budget. The Mayor asked Council members to review the budget for possible adoption at next Council meeting of September 21, 2009. If they have questions, they should get with Perry Wilbourne or Sue Steigerwald. Mayor Koniar added that it is necessary to move some personnel out of areas where there is little work and into areas where personnel was needed as further outlined in the personnel restructuring resolution. Resolution for personnel restructuring moved to Council Agenda. B) Butch Stokes reported that bids have been opened and accepted conditionally, pending contract to be signed by the contractor. C) Mayor Koniar commented that the City's current code enforcement ordinance was not very effective because there are a lot of grey areas and it doesn't carry much "teeth". However, if the ordinance is "beefed up", the City would need the "where-with-all" to follow up and enforce it. There was agreement that there are lots of problems with cars, boats, construction equipment in yards, etc., and that something needed to be done to include reasonable enforcement. There was consensus to have staff proceed and pursue a revised ordinance, and to bring something back to the Council in a couple of weeks. Carried over.*

22. Mayor Koniar/Perry Wilbourne: Discuss recent development in discussions with the Board of Education concerning taking the Auditorium and Library on the Middle School ground versus the building being demolished.

*The Board of Education wants to move forward with the demolition of some of the buildings on the Middle School campus. Due to time constraints in the current meeting, this will be carried over for further discussion at the September 21, 2009 meeting. Carried over.*

#### **INFORMATION ITEMS:**

23. CARE House, Inc.'s (Baldwin County Child Advocacy Center) request for continued financial support. This has been included in the FY10 budget's Contracts for Public Purpose in the amount of \$2,500.
24. Ecumenical Ministries, Inc.'s letter of request for continued financial support for FY10 budget.
25. Thank you note from the Hanson family.
26. Snook Youth Club of Foley Interim Summary Report for period 1-1-09 through 1-31-09.

## **ADD-ONS**

1. Sue Steigerwald: Discuss Business Interruption Insurance.

*Carried over.*

2. Consider resolution authorizing the Mayor to sign the agreement with ALDOT/US DOT for Cedar Street Sidewalk grant previously approved under enabling Resolution 3791-09 on July 20, 2009. This grant is an 80/20 match with the City's portion being \$90,000.

*A resolution was moved to the Council agenda.*

## **INFORMATION ITEM:**

3. Thank you letter from Jennifer Claire Moore Foundation.