

COUNCIL WORK SESSION AGENDA MINUTES  
CITY OF FOLEY  
CONFERENCE ROOM, 407 E. LAUREL AVENUE  
FOLEY, ALABAMA  
MONDAY, SEPTEMBER 21, 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, Donna Watts, Sue Steigerwald, Joe Bouzan, Gary Hellmich, Donna Watts, Britton Bonner, David Horton, Sue Allen, Jane Tyler, David Thompson, Reid Cavnar, Daphne, Dufrene, and Guy Busby.

ACTION ITEMS:

1. Approve Work Session Minutes of September 8, 2009.

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

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

3. Consider Foley Lion's Club and The Trailblazers request to use Heritage Park and Pavilion. Carried over from 2-16-09 to review the bike route with the Police Department. If there is consensus to approve move resolution to Council Agenda to approve the use of the Park and parade route and waive the fees for the Pavilion.

*Resolution moved to Council Agenda.*

4. Daphne Dufrene, First Presbyterian Church of Foley: Consider their request to use the stage for a fellowship event and concert October 24, 2009 beginning at 2:00 p.m.

*Ms. Dufrene asked the Council to consider their request for use of the stage. There was some discussion that policy needed to be written to handle these types of requests. Sandra Pate reported that David was not available for today's meeting, but he had sent an e-mail indicating they were working on establishing a policy for the stage rental. In his email he indicated they were working on establishing a fee of \$100 for the stage usage. There were also some questions regarding the need for proof of insurance and release of liability as well as a good inspection of the stage to confirm adequate condition for use in renting. After brief discussion, a resolution was moved to Council to approve Ms. Dufrene's request for the stage, at a fee not to exceed \$100, to include proof of insurance and release of liability form. David Thompson will follow up to bring back a policy for the Council's review for formal adoption. Resolution moved to Council Agenda.*

5. Consider American Cancer Society's request to use Heritage Park & Pavilion as follows: **A)** November 10, 2009, 5:00 p.m. – 7:00 p.m. for Kickoff Celebration and **B)** April 23, 2010 for Relay for Life event. See letter of request. If consensus to approve move resolution to Council Agenda.

*Resolution moved to Council Agenda.*

6. Consider Krewe of Les Beau Geste's request to hold a Mardi Gras Parade Saturday, February 13, 2010. Lineup will begin at 10 a.m. and the parade will begin at noon. See the attached map for the proposed route. If consensus to approve move to Council Agenda under New Business for voice vote.

*Resolution moved to Council Agenda.*

DISCUSSION ITEMS:

7. Sue Allen, YMCA: Update on YMCA's Services.

*Ms. Allen reported that 65% of the children at the YMCA Summer Camp program are on scholarship and she thanked the City for their support. She noted that in 2008, 45 campers were enrolled in the program, with an average daily attendance of 35. In contrast, 2009 had 152 registered campers, with an average daily attendance of 80. She again expressed her appreciation to the City for their continued support and generous contributions. No formal action required.*

8. Reid Cavnar, Merchant Capital: Discuss refinancing of bond issue.

*Mr. Cavnar explained the refinancing options to the Council for the 1999 bond issue which has approximately \$2.5 million still outstanding. He noted that right now the bond interest rate is averaging a little over 5% and that refinancing could possibly bring this to a lower interest rate of around 2.8%, netting \$150,000 to \$160,000 savings, which may be able to be realized in the upcoming year. The refinancing of the bond would carry the same term as the original issue. Mr. Cavnar also explained that the separate \$1 million dollar bank loan that is currently being pursued could optionally be worked into the refinancing of this issue. The benefit would be the locked-in low interest rate and no balloon payment. Councilman Ebert noted some displeasure about not being informed about these discussions prior to this meeting. Mayor Koniar replied that often these options come up quickly and it is difficult to get the information disseminated in time for the meeting. It was noted that this resolution gives the Mayor authority to execute documents only if the savings are within the parameters of exceeding the \$100,000 in savings. Resolution moved to Council Agenda.*

9. Mayor Koniar: Further consideration of FY09-10 budget.

*Mayor Koniar reported that the passing of the budget would be delayed and the plan is to bring it before the Council at the September 29<sup>th</sup> meeting. If anyone has any questions, they should get with Perry or Sue prior to that time. Carried over to September 29<sup>th</sup> meeting.*

10. Miriam Boutwell: **A)** Further report on Fairmont Subdivision. Carried over from 9-8-09. **B)** Further report on Code Enforcement.

*A) Miriam reported that the subdivision is about one mile from other City property and is not contiguous to other City property. Therefore, the annexation would have to go through the Legislature process which would take about one year. It was noted that the subdivision's primary reason for wanting to come into the City is for police protection. A PUD zoning was discussed and Miriam will follow up to explore the possibility of that. If that is a viable option, the City will get with the HOA and explain the ramifications. Primarily it would mean they would lose the county road maintenance and since the City would not accept the roads in the annexation deal, the HOA would be responsible for those. Miriam will follow up and report back to Council. Carried over. B) Miriam reported they are still continuing to do research and was not ready to present at this time. Carried over.*

11. Mayor Koniar/Perry Wilbourne: Discuss recent development in discussions with Board of Education concerning taking the Auditorium and Library on the Middle School campus versus the building being demolished. Carried over from 9-08-09 due to time constraints.

*Mayor Koniar gave a brief update on the status of the school campus buildings. He noted that it appears the best option for the City is to look at the City using the Administrative Building. He noted the space could possibly be used for City*

offices as well as non-profit office space such as South Baldwin Education Foundation, Habitat for Humanity, Ecumenical Ministries, etc. He added that the historical significance of the building is important to the community and the City may be able to work out something with the County to share maintenance and/or costs. After brief discussion, the Mayor requested that Administration look into the costs to determine the viability of using the building. Carried over.

12. Joe Bouzan: **A)** Discuss Business Interruption Insurance. Carried over from 9-8-09. **B)** Request permission to go to bid for a vehicle (SUV) to be used by the Economic Development Manager and give the Mayor the authority to review and accept the low bid meeting specifications or if no bid meets specifications the authority to reject all bids and negotiate the purchase directly.

*A) Joe presented a report to Council on the business insurance and noted that coverage is based on sales tax average. The annual premium is \$40,426 and deductible is \$100,000. He gave a couple of examples of coverage and noted that in three of the examples, there would be no payout because the total loss payout would not exceed the deductible. After brief discussion there was consensus to terminate the insurance, effective at the earliest possible date. B) There was consensus to go to bid on the vehicle and to bring results back to the next meeting on September 29<sup>th</sup>. Carried over.*

13. Butch Stokes: **A)** Discuss City Hall emergency generator. **B)** Consider resolution approving HMR's Supplemental Agreement for North Airport Road Extension project.

*A) Butch reported that for less than \$80,000 he believed the City could purchase and install the generator. This would include a 12 hour tank and fuel would be transported when needed. To position the equipment, a solar wall outside the Civic Center would need to be removed and no cost is included to reestablish that wall. This could be done later. Riviera Utilities has agreed to re-route the power, including transfer switch and contractor installation. This will save the City money and give us new wiring. After brief discussion, there was agreement to have a resolution drafted for next council meeting with all the particulars. There was a request from Councilman Trawick for Butch to look at used generators. Butch will review that as well. Carried over to October 5<sup>th</sup> Council meeting. B) Resolution moved to Council Agenda.*

14. Sue Steigerwald: Consider for immediate adoption an ordinance establishing a policy for uncashed checks and unidentifiable court bond balance. See attached documentation.

*Sue explained the policy to Council and reported that the proposed policy is supported by both Attorney General Opinion and City Auditors. Ordinance moved to Council Agenda.*

15. Sandra Pate: **A)** Consider resolution approving cost of flu shots for employees and approval for payroll deduction on family costs for shots, the money for the \$15 gift cards and the money to purchase two \$100 gift cards. **B)** Consider resolution terminating lease of building at 203 W. Myrtle at the end of the lease period, effective October 31, 2009.

*A) Sandra reported that due to the anticipated severe flu season, we are recommending the flu shot program for employees and family members as well as the incentives to help maximize participation. Resolution moved to Council Agenda. B) Sandra reported that Engineering and Recreation are moving into the Community Development Building the week of October 19<sup>th</sup>. The termination of the lease will save the City \$26,400 in lease expense in the new budget year. Resolution moved to Council Agenda.*

16. Perry Wilbourne: **A)** Consider resolution memorializing purchase of Oak trees. **B)** Consider resolution allocating \$950 for Advanced Appraisals to perform an appraisal for City owned property by the Airport.

*A) Resolution moved to Council Agenda. B) Resolution moved to Council Agenda.*

17. David Wilson: Consider resolution declaring emergency powers to the Mayor or Mayor Pro-tem should the Council not have time to convene during a hurricane.

*Resolution moved to Council Agenda.*

18. Jessica Nelson: Discuss Alabama Main Street Program.

*Jessica reported that the Main Street program had been terminated a few years back. They have now resurrected the program and it will be an improved version, modeled after Mississippi's program. The program focuses on the downtown area and the historic district. The Main Street's focus is improved planning, promotion of area, design, economic restructuring, etc. The program will start back up in January of 2010 and the City will position itself to take advantage of the benefits. There will be many grant opportunities available through the program. The cost is \$5,000 the first year. Jessica noted that the City will not need to budget funds at this time, but will need to budget the funds for FY2011. Mayor Koniar noted that this will help the downtown area and since the Streetscape Program has been put on hold, probably for quite some time, this will be worth pursuing. No formal action required.*

19. Ralph Hellmich: Discuss modification to CR20 speed limits.

*Butch Stokes reported the trailer has gathered some good data, but they need time to compile and analyze. There was agreement that something needed to be done about the speed limit. Council members are getting frequent calls from citizens complaining about the speed limits. After brief discussion it was decided to have an ordinance drafted for next Council meeting on October 5<sup>th</sup> for review along with the supporting evidence. Carried over.*

20. Charlie Ebert: Discuss moratorium on Sign Ordinance Enforcement.

*Councilman Ebert reported that about six or seven months ago the Council adopted the moratorium to help businesses in these economic hard times. However, the situation seems to have gotten out of hand somewhat and there are lots of temporary signs on the right-of-ways throughout the City. He requested that a little better enforcement be implemented. Miriam Boutwell will follow up. No formal action required.*

#### INFORMATION ITEMS:

21. Thank you card from Jessy Mahoney.  
22. Thank you card from Joby and April Smith.  
23. Monthly Rental Tax, Lodging Tax and Sales Tax reports.  
24. Council's Invitation to the City Employee Appreciation Luncheon.