



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft City Council

Monday, August 17, 2015

4:00 PM

Conference Room

Work Session

Call to Order

Council President called the Work Session to order at 4:00 p.m.

Roll Call

All Council members were present: Others present are as follows: Mayor John Koniar, Mike Thompson, Vickey Southern, Sandra Pate, Katy Taylor, Jessica Middleton, Taylor Davis, Steve Smith, David White, Chuck Lay, Kate Embry, LaDonna Hinesley, David Wilson, Leslie Gahagan, John Jackson, Sue Steigerwald, Rachel Keith, Chad Christian, Brandy Springsteen, Michael Dasinger, Roberta Swann (MBNEP), Richard Dayton, President of Lakeview Estates POA, Ann Bacher (Lakeview Estates), Sylvia Womack, and Pat Sullivan (Glen Lakes), and Press Representative Jay Sowers.

Present: 5 - President Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

Discussion Items

[15-0473](#)

Presentation by Mike Dasinger and Brandy Springsteen Re: Pre-trial Intervention Program

City Prosecutor Michael Dasinger reported in 2013 the Alabama Legislature adopted a bill regarding the Pre-trial Intervention Program. If a city in Alabama wants to adopt the Pre-trial Intervention Program they must adopt it by an Ordinance and set their own fee schedule. The cities of Gulf Shores and Robertsedale have already adopted it and before Foley adopted it wanted to see how it worked for them. Currently Foley has a good behavior program. This Pre-trial Intervention Program allows the first time offender to have the record expunged from their record. In order to qualify, the crime committed can not be a violent crime. For instance a person with a DUI first time offense would qualify for the Pre-trial Intervention Program if the Prosecuting Attorney felt that they would not do this offense again. The offender must plead guilty and enter into a contract that sets out specific details of his/her rehabilitation. If for any reason the offender breaks the contract they waive their right to a trial and are immediately sentenced. The offender would have to go through the City Prosecutor, then the Judge and then through Municipal Court Clerk's Office. The City of Foley's Municipal Court is ready for this program. Mr. Dasinger stated that it would required an additional person in the Municipal Court Clerk's office.

Gulf Shores and Robertsedale charge \$1,000 non-refundable application fee not to exceed court costs and assessments for victims or drug or alcohol treatment required by law. Mr. Dasinger believes a fair price for Foley would be \$750 for a DUI first time offense and \$500 for any other misdemeanor offense. The offender shall also pay a \$25 per week administration and supervision fee during the time that the offender is in the Pre-trial Intervention Program to follow up with the person to make sure they are to do what they are suppose to do. See attached fee list.

Mr. Dasinger reported that he has drafted an ordinance that follows the ordinance of Gulf Shores and Robertsedale and the Act passed by the Governor in 2013. The draft has been sent to Casey Pipes, Judge Murchison, Mike, David Wilson for review. There are a number of other municipalities moving to this program. Mr. Thompson reported the draft budget includes proposal of a head count in Brandy's organization as well as budget revenues. The current staff will have to handle the Pre-trial Intervention Program until they see the program becomes self-funded and then they will hire someone for that job. In looking at the draft budget there is that assumption that the position will become self-funded. The program will be monitored throughout the next year and when they see the revenue streams coming in to support the position then Brandy will come back to Council to request the position.

When asked how Gulf Shores and Robertsedale is doing Brandy reported Gulf Shores has already collected \$50,000 and that did include the summer months, which is their heaviest tourist season. The program is strictly voluntary so if the offender doesn't want to do it they don't have to sign up. The program is geared toward first time offenders. For example, an offender with a first time DUI would be given the opportunity to do the Pre-trial Intervention Program, they will be held guilty, have to complete an alcohol program, call in once a month and at the end of the 12 or 24 months then the DUI goes off the offenders record. It is broader than just the DUI as it would be offered to anyone who is charged with non-violent crime, i.e. theft of property,

harassment, traffic offence and a misdemeanor traffic offense. It excludes violent offenses. The purpose is for the a first time offender to keep their record clean.

Mike Thompson reported since the Council did not have a copy of the draft ordinance to consider adopting the ordinance at the next Council meeting. Brandy will need to submit an agenda item

[15-0483](#)

Letter of Intent to join CRS (Community Rating System) to help reduce citizens flood insurance rates.

Attachments: [CRS Letter of Intent Backup.pdf](#)

Building Official Chuck Lay requested a Letter of Intent to join the Community Rating System. This is set up by FEMA for the purpose of reducing insurance rates. It is a ten (10) level process; 1 being the best rating and 10 being the worst rating. ADECA has already made a sight visit and they told Chuck the City of Foley would be rated a (9) nine. Each level receives a 5% discount.

Councilman Ebert reported new flood maps will be coming out soon and will be seeing 15% per year rate increases for the next 3-5 years. Chuck reported this program does not require any funds from Foley but only time from people in IT, Engineering, and environmental Departments. He will be the coordinator. There are 4 flood plane managers in Foley and they are Doug, Miriam, and Chuck. Baldwin County is rated a six (6), Orange Beach is a 7 and Gulf Shores is a 8 and he wants Foley to be a five (5) by the time they make their next visit. He would like to see the rates drop. If this is approved a Letter of Intent will be submitted and there will be a three month lead time for the ISO inspection, which is a deeper inspection. Councilman Ebert reported there are currently between 150-170 properties located in a flood plane within the City limits of Foley and between 70-80% of the losses are in low lying areas. This will help the people living in the flood plane areas receive reduced rates.

[15-0492](#)

Discuss Glen Lakes request for safety guards for three small bridges.

Mr. Richard Dayton, President of the Lakeview Homeowners Association, stated Lakeview Estates is comprised of senior citizens and he is concerned about their driving during rainy weather over the three bridges that are located on Lakeview, Fairview and Clubhouse Drives. The drop off on Fairview is 5.5' with rock below and the ones on Lakeview and Clubhouse Drives are 8' with rock below. He spoke with the City Engineers (Chad Christian and Taylor Davis) who recommended painted stripping to mark the bridge to mark these areas as hazardous. Mr. Dayton requested that Council consider guardrails instead of paint because paint will not stop a car.

Taylor reported the guardrails would cost \$10-12,000 at each location or \$36,000 for all three to include end treatments. Councilman Hellmich asked how you would place them without compromising the integrity of the box culverts. Chad reported they would have to be bolted in but his concerns were putting something in a clear zone especially when there is no accident history. He did recommend painting first. Councilman Hellmich asked if there were any alternatives. Chad reported they could put up some delineator posts but they would be located on a citizen's property. The speed limit is 25 mph.

Councilman Ebert asked if he was acting on behalf of himself or the HOA. Mr. Dayton stated he was acting on behalf of the Association and they would like to be pro-active and not re-active to situations even though there is low traffic and low incident. Councilman Hellmich reported there haven't been any accidents but if it rains you cannot see the bridge and the one bridge is on a curve. The Council is aware of the location. President Trawick asked if there were speed limits signs in the area and Taylor reported he had found three other locations for the speed limit signs and they will have them put up.

There were no decisions made at this time.

Discuss Council Meeting Agenda of August 17, 2015

15-0502 Discuss Keith Smith's Book Contract - Vickey Southern reported Mr. Keith Smith wanted to know if the Council would like to him to refund the City's money since he missed the deadline to have the book completed in the Centennial year or have him keep the money and finish the book as soon as he can. Keith noted that he would be shooting for a September 1, 2016 completion date for the book. There was a consensus to have him keep the money and complete the book. This item will be moved to the September 8th Council meeting agenda to formally acknowledge the book won't be completed until September 2016 and for Keith Smith to keep the money to cover publication costs.

The following items were reviewed with no comments and remained on the Council meeting agenda:

15-0479 Public Hearing to declare weeds to be a public nuisance and order its abatement at 604 W. Marigold Avenue;
15-0480 Public Hearing to declare weeds to be a public nuisance and order its abatement at South Hickory Street, east of Crown Walk;
15-0476 08-03-2015 Work Session Minutes;
15-0469 Council meeting Minutes of August 3, 2015;
15-0494 Audit the accounts of July, 2015;
15-0482 CDD July 2015 EOM Report;
15-0497 Fire Department Monthly Report July 2015;
15-0486 July 2015 Monthly Report Foley PD;
15-0450 An Ordinance prohibiting the possession, use or attempted use of shoplifting devices;
15-0477 Resolution setting a public hearing declaring weeds to be a public nuisance and ordering its abatement at common area between Parish Lakes and Iberville Square;
15-0481 Resolution authorizing employees to enter upon the property at South Hickory Street East of Crown Walk for the purpose of abating the public nuisance; and
15-0496 Residential Sanitation Write offs as Uncollectible in the amount of \$99.93.

15-0498 July 2015 Sales, Lodging and Rental Tax Reports - Mike Thompson reported Sales Tax was up 6.13% year to date, showing a 5% growth and 1.3% above budget.

15-0463 Watershed Update and Request for support of Mobile Bay National Estuary Program - Roberta Swann, Director of the Mobile Bay Estuary Program and is giving an update on the watershed planning. The two watersheds plans she will be talking about will actually to towards your Community Rating System (CRS) credits. They received grants to fund seven watershed plans throughout the two coastal counties. The grants average approximately \$250,000 per plan. They hire an engineering firm to evaluate all the tributaries or waterways of each of the watersheds that have been identified (Bon Secour Watershed and Wolf Bay Watershed). Wolf Bay should be up and going by the end of the year. The MBNEP was created through amendments by the National Clean Water Act and their job is to mainly create partnerships, build partnerships through the coordination of a management conference of

which Councilman Hellmich sits on the Finance Committee and Leslie Gahagan is the Community Action Committee Chair. They bring academia, industry, education, citizens and business together to talk about and identify what the environmental problems are and what they can do to mitigate them so they can grow as communities and protect our environmental assets. There goals are to: 1) cultivate partnerships among different and potentially disparate community members; 2) focused on leading watershed protection efforts; and 3) focused on establishing a community of committed environmental stewards. Ms. Swann requested Council to help support their program. When they write the grants they don't add in administrative dollars but keep as much of the money out in the field as possible so through the EPA grant they receive every year they are challenged to develop a match obligation of 100%. Currently they have received \$600,000 a year so their goal is to go out to each of the larger communities within the two coastal counties and ask them to help support them in their efforts. They have an \$82,500 grant to help with the Wolf Bay Watershed. Leslie handed out a newsletter they put out biannually and a document telling about the Mobile Bay National Estuary Program that included their \$10,000 request.

Councilman Hellmich reported that the Council is in the middle of the budget and they will look at it. He reported that he felt that this program was very important. Ms. Swann reported they have funding for the first seven plans. The State of Alabama is very supportive of the watershed management plan as a precursor to doing restoration work and so through the Federal Restore Council bucket two there is a project list out in draft form and the other 19 watersheds from the Florida line to the Mississippi line they will be doing watershed management plans and implementation plans for every watershed or drainage basin that has a title influence. Councilman Hellmich reported the sooner you have the implementation plan the sooner you can create a wetland mitigate program and by doing this it puts you on the forefront of receiving grants. Ms. Swann concurred but it also helps with community education and regulatory changes. Councilman Ebert asked how to get rid of derelict boats. Ms. Swann stated that you write a grant to the Department of Conservation and Natural Resources. Mike asked if this would be the same group to help remove trees and debris. Leslie reported that would be through NRCS EWP program. They haven't gotten any funds for the debris because they put the funds towards structures.

15-0468 Resolution to reappoint Phillip Hinesley and Homer Singleton to the Graham Creek nature Preserve Advisory Board - Vickey Southern reported they are both willing to serve another term. Councilman Hellmich reported they need to be more flexible in holding the meetings. President Trawick reported the adopting resolution dictates that they meet monthly. This item remained on the Council meeting agenda.

15-0478 Resolution setting a public hearing declaring weeds to be a public nuisance and ordering its abatement at Meadow Run Detention Area - Several of the Councilmembers indicated they thought that the Meadow Run HOA was keeping this up. Leslie will follow up on this. This item remained on the Council meeting agenda.

15-0484 Temporary closure of a portion of North Pine Street during football games - David White reported the Police Department would like North Pine Street between Rose Avenue and Violet Avenue. The area is very dark so they have worked with Chief Darby of the Fire Department to have their lights in the

area. The Coach would like to extend game day by blocking off this area in front of the stadium for fans of the team and possibly tail gating parties. He is not sure if the road will be blocked for the whole game. This item remained on the Council meeting agenda.

15-0485 Riviera Boulevard Roundabout Signage - Taylor Davis reported that he reviewed the roundabout and realized there are no real standard signs for roundabouts. They propose putting an advisory sign and chevron signs upon the approach of the roundabout. They cost \$250 and there is a six weeks time frame for Vulcan to make the signs. Public Works will install them. This item remained on the Council meeting agenda.

15-0487 Acceptance and Use of Friends of the Foley Public Library Donation - John Jackson reported they would like to accept the \$3,000 from the Friends of the Library and allocate \$1500 for FY 15 and \$1500 for FY16 to spend just prior to the Halloween event. This item remained on the Council meeting agenda. Also noted by John was he has received preliminary notice they will be receiving the LSTA grant in the amount of \$6,000 even though they only asked for \$5,000.

15-0488 Request approval to go to bid on a custom fire pumper for the Foley Fire Department - Chief Joey Darby reported he is requesting to go to bid on a custom fire pumper that is in the FY16 draft budget, which is soon to be adopted. Since the economy has picked back up the turnaround time from placing the order is 360-365 days. If they wait until the budget is adopted then they won't receive the pumper until FY17. The pumper is to be funded through the Ad Valorem Fire Fund. Councilman Hellmich asked Chief Darby how the fleet replacement is going, to which he replied it is going well. With the purchase of the new pumper truck they will sell the 2002 E-One Pumper (Engine 5), which has the last commercial chassis. The commercial chassis will do well for a volunteer fire department and there is a good market for them. The custom chassis' work a lot better. Mike Thompson reported the new custom fire pumper is in the FY 16 draft budget. This item remained on the Council meeting agenda.

Councilman Blackwell asked for an update on the new Fire House. Chief Darby reported the cabinets were installed last week and the landscaping is the last big item. Then the next step is the punch list. George Stewart Contractors are on site every day and Chief Darby reported if the Council would like to go see the Fire Station they would be welcome to do so.

15-0489 Transfer of funds to upgrade in-car connectivity - David White reported the internet connectivity in the patrol cars have to be upgraded so this new computer system will allow them to see what dispatch sees and interface better with the camera's and all data transfers. The NDI will be looked at in FY18 budget. The request is to transfer funds into the small tools account for this purchase. Councilman Hellmich reported it gives them capability to interface better between the car and the internet. It will help with all data transfers. This item remained on the Council meeting agenda.

President Wayne Trawick turned the meeting over to President Pro-temp Hellmich.

15-0490 FAA Funding Assistance for Airport Drainage Improvement Project -

Rachel Keith reported in the previous resolution approving the project the only agency mentioned was ALDOT and this resolution amends the previous resolution to mention the FAA is also participating in this project. This item remained on the Council meeting agenda.

President Pro-temp Hellmich turned the meeting back over to President Trawick.

15-0495 A resolution to memorialize submission of a grant application for the Deepwater Horizon Gulf Tourism and Seafood Promotional Fund - LaDonna Hinesley reported the newspaper stated the City of Foley was awarded a \$37,720 from the third distribution for the Deepwater Horizon Gulf Tourism and Seafood Promotional Fund and then afterwards they received the application. The deadline for the grant application was prior to the Council meeting. She and Kate worked on the submission and they are asking to memorialize the application. The funds are strictly for guidelines. This item remained on the Council meeting agenda.

15-0499 Approval for Alabama Festival of Flavor advertisement banner placement - Donna Watts of the Chamber of Commerce stated that Danielle has done a great job on the event. With the help of Chief Wilson, Danielle held up the 15' banner. They want to place it on the poles that holds the awning up in front of the Chamber and then the day of the event. Mayor Koniar asked if ALDOT would give the City a difficult time for putting this on public right of way. Mike reported the poles are actually on private property. Donna reported they will have a great event this year. This item remained on the Council meeting agenda.

Mayor's Comments

Councilman Hellmich asked Chad to give an update on Meadow Run. Chad reported the project was taking longer because the equipment was not available and they have been spraying with a herbicide.

Mayor Koniar reported the Kenny Stabler and Hattie Smith families were very appreciative of the citations. Foley Spirit Night was well attended and it was a good event.

Visitor's Comments

There were no comments to report.

Adjourn

Hearing no further comments the meeting adjourned at 5:11 p.m.