



Meeting Minutes - Draft

City Council

Monday, October 17, 2016

4:00 PM

Council Chambers

Work Session

Call to Order

President Pro-temp Ralph Hellmich called the meeting to order at 4:00 p.m.

Roll Call

All Council members were present with the exception of President Wayne Trawick, who was out of town. Mayor John Koniar was present. Others present: Vickey Southern, Mike Thompson, Chad Christian, Darrell Russell, Taylor Davis, Sue Steigerwald, Dana Jepsen and Pamla Meredith (Ecumenical Ministries, Inc.), LaDonna Hinesley, Frances Holk-Jones, David White, Leslie Gahagan, Joey Darby, Miriam Boutwell, Sal Muccio, Kirsten Broussard and press representative Allison Woodham.

Present: 4 - Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

Absent: 1 - President Wayne Trawick

Presentation

[16-0624](#)

Ecumenical Ministries Financial Report By Pam Meredith

Ms. Pamla Meredith reported Ecumenical Ministries, Inc. has been very careful on how they spend the money the City has given them, which is \$10,000 and it has grown to a total of over \$87,000. These have been given to residents living in Foley and Foley zip codes. The programs are still valid and they are as follows:

- 1) The Christmas Sharing program is a community wide program so most of the children and elderly that participate in that program are sponsored by churches, individuals, businesses in the community but it is an outreach of EMI that touches and works with the Foley office. The numbers are listed in the written report.
- 2) Ms. Meredith asked for a specific amount for their Home/Repair Baldwin program, which has taken off. They received a one-time gift of \$5,000 three years ago from the City. The money is all spent on repairing homes in the area. The waiting list is getting smaller, which is a good thing, and they do go through the applications. The homeowner's have to meet certain qualifications, i.e. they can't rent the home but must own it and they must be accountable.

When they look at the job they also look at their income and what expenses they have so that they can participate in the repair of their home. Had they been able to save that money EMI would not be needed but what EMI ends up doing the homeowner has to participate at least 10%, which is \$200 or \$1,000, and they sign a simple promissory note with EMI and they pay EMI back monthly. They pay the bank, bring back the receipt and that money is then transferred to the Repair Baldwin budget that allows them to keep the program going perpetually. In the fiscal year they did 14 home repair projects in the Foley zip codes that totaled \$22,435.17. It is a very positive program for EMI and it allows a lot of the elderly and disabled to stay in their homes. They have not had anyone default on their loans at this point.

3) Emergency Aid - The number of emergency aid program folks shows that they are helping \$200 - \$250 per homeowner. It is a good program. A lot of the people they are helping runs more than the \$230 - \$250.

President Pro-temp Hellmich asked if they received funds through United Way. Ms. Meredith reported they are one of their partner agencies. They have never had everyone give 100% of their funds to EMI. Because they don't duplicate services in Baldwin County they are higher recipients with some of their funding.

Councilman Blackwell asked if there is someone in charge of the Repair Baldwin. Ms. Meredith reported they have one person that goes out to take a look at the scope of the job to see if they can use volunteers for the project or whether it requires hiring professionals. They usually order the materials and have them delivered to the site and then the volunteers do the work. EMI still works with Habitat for Humanity so if the individual is a veteran and applies for home repair it is referred to Habitat because they have funding through two different programs to help veterans and to help them stay in their homes. Ms. Meredith reported that they do not take for granted the City takes care of EMI but they are very thankful the City has over the years.

They are getting a whole new look; new website, new logo and we are hoping it will pave the way. Ms. Meredith left some new brochures and thanked the Council for having them. The written report is added to the minutes in their entirety.

Report

[16-0628](#)

Engineering Department Quarterly Report

Photo slideshow for the following projects:

- Ashland Court
- Downtown Striping
- Gateway Signage
- Orange/Poplar Alley Drainage Improvements
- Peachtree Sinkhole Repair
- Pride Drive ATRIP

· Traffic Control - Aaronville and Alston/Berry

Attachments: [Engineering Fern Ave. Report](#)

City Engineer Chad Christian reported the Quarterly report.

Ashland Court Ph2 - The drive entrance between two properties needed to have a higher curve and reconstructed drive before they poured the concrete. It is complete and it was paid for by an under run project on Violet. They are not asking for any funds. The budgeted amount was \$4200 and the total cost was \$4,592. Blade Construction was the contractor on this job.

Downtown Stripping Refresh - United Markings freshened the marking up on everything downtown between Pine Street and Hwy. 59 on both side of Hwy 98; Public Works added handicapped placard signs. They put in two fire access with red markings to get those hydrants on the south side of Hwy. 98. The total cost was \$1285.

Gateway Signage - The gateway sign at CR12 and the FBE and this gateway sign is at the southeast corner of intersection BBE and FBE. The Parks Department is watering the plants in this photo.

Orange/Poplar Alley Drainage Improvements - The alley by Mr. Boone and some of his neighbors have had standing water for two or three weeks before disappating. It needed a couple of inlets added so they under ran the Oak and Berry project by \$16,000 due to some value engineering and public works doing all of the work so Chad wanted to shift the funds to get the pipe in and the inlet laid in the alley. The last of the pipe was laid today and then they will be installing the inlets. The anticipated completion will be next week so they will come back at the November 7th meeting to memorialize the cost. Councilman Ebert reported that it has been an ongoing issue and Mr. Boone has been very patient. Chad reported that they saved so much money on the last project that it looks like they can go back and pave it instead of putting on stone.

Peachtree Sinkhole Repair - This was a serious project that Blade Construction performed. The challenge was getting the dirt to not cave in when they were excavating. They added several joints of concrete pipe, collared it in three places. The trench box is an 8 - 10' tall. You can see in the photo there is a man standing in the trench box and you can barely see him. It was very dangerous because the material kept running into the bottom of the ditch. The budgeted cost was \$60,000.

The next project is Pride Drive looking back to Hwy 59 from Juniper. Chad and Mike were out there late last week and they should have asphalt down in approximately three weeks. The sidewalk will be on the south side. The median curb person will be in by the end of the week or the first of next week. He is very fast worker. On the other section he poured about 7,000 feet of curb in one day.

Stabler Avenue is at subgrade from the section from the big oak tree to the west of Juniper has some stone on it but this is looking from the sports fields

where they will be making the connection to the south so they come around the curb and go out to Pride. Sawgrass is the engineer and H.O. Weaver is the contractor. As long as the weather is good they should be ok.

Traffic Control in Aaronville - The next photo was one of the four way relocation and the changes made in Aaronville. They might need to put in a new crosswalk where they moved one of the four way stops. There is a new four-way at Alston and Berry. Public Works completed that within two days.

President Pro-temp Hellmich asked about the TIGER Grant if the digital crosswalks operational. Chad reported they have a TIGER II walk through tomorrow at 1:00 p.m. and they will raise the issue.

President Pro-temp Hellmich asked when there is a pedestrian crossing does state law require a vehicle to stop to let the pedestrian cross. For example, on Cedar Street there are cones up in the morning to make people more aware that they have to stop because there are children crossing. There are signs that say "If pedestrian in crossing you shall stop" and he suggested that the City look into because there are several places that would be helpful, i.e. Cedar Street, all the Rose Trail crossings, Dog Park, Aaronville, Foley Elementary School.

Fern Avenue Extension - Chad reported there is an update in the packet on the Fern Avenue. They had the Plans, Specifications and Estimates review on August 10th and 11th with ALDOT and Volkert has addressed their comments. They are sending the plans back. They sent all the track sketches for the environmental to the owners and have received all with the exception of two. Since the City is not asking for the donation of the property, just the acknowledgement, once 30 days is passed then you can prove that you sent it then you can take the next step towards the environmental. As of now they are looking at a February letting assuming they can meet with the owners and get the property in a timely manner. They will permit it from a standpoint of all four lanes so they won't have to go back and do the environmental. Councilman Ebert asked if they can begin on the lights at the intersection of 59/Fern so there will be a turn lane instead of waiting until the end of the project. Chad reported they could ask if that could be done first. There was a consensus to ask them to do it first because there is just a green light and you have to wait for a gap in traffic. Councilman Ebert reported at the intersection of Fern and Oak there was a discussion about turning it into a four-way stop. Chad reported that the stop/start was noisier and more of an inconvenience and we gave the maps to UTC to give to all their drivers and it seemed to have made a difference. Councilman Ebert is still getting complaints from one family, who live at the intersection of Pine Street but the section from Alston to Cedar there are no stops. Chief Wilson can do a close patrol at 3:00 - 4:00 p.m., 7:00 - 8:00 a.m.. Chad reported this project getting Fern Ave. from the Foley Beach Express all the way to Hwy. 59 needs to be looked at before the project gets started. He'll get with Darrell and look at crosswalks, signage, etc. Mr. Thompson reported it is also the volume of workers too because there will be 300 more workers being added. Councilman Blackwell reported they needed to be looking at CR65 as an outlet.

Discussion Items

[16-0575](#)

Discussion of Maintenance on Residential Stormwater Ponds

Leslie Gahagan reported they received a grant to access all the stormwater facilities owned by private and public entities. They had a student access all the residential ponds separately, detention and retention. She was able to access 85 and 13 were either fenced or gated that she had no access. Keep in mind they have been getting complaints for years on maintenance of these ponds. The people don't know that the pond is homeowners, they think it is the City's to maintain. Then you have developers that build them, never maintain them and turn them over to the HOA's unbeknownst to them and you have some HOA's that aren't formed.

Iberville Square HOA called; the developer turned it over to Adams Homes who had purchased all the lots and then it sat for years growing up in vegetation. Now it is just being turned over to the HOA, which is just now forming and there is a fear factor of "how much money are we going to invest in maintaining it" because they don't even know the cost because they have never been in a subdivision before.

After doing the assessment out of the 85 there are eight in the city that need immediate maintenance. Some are so bad they have gone from dry detention to retention, they have pine trees and oak trees grown up at the outfall, which is keeping it from functioning correctly.

Of those 8 two (River Trace and Hickory Bend) do not have HOA's on record. The City has dealt with them on weed complaints from the residents. There are 24 ponds that need maintenance within three or four months before we get to another rainy season to prevent flooding because you have wax myrtles growing up at the outfall, trash, the spillways are collapsed, erosion at the outfall, things of a more minor nature. Three of those potentially don't have HOA's and these are Cambridge Park, Hickory Bend and Meadow Run. Those have been brought before Council because they have had issues. The rest of them are in pretty good shape. Of the ones that have problems Ms. Gahagan would like to send out a mass certified letter to the ones with HOA's to let them know their maintenance needs and that it is owned by them. She believes the City needs to let them know before another rainy period occurs. When she spoke with City Attorney Casey Pipes he stated that she could send a letter to every homeowner and each would get a portion of the maintenance. Mr. Thompson asked if we can go and do the repair like we do the weed abatements and put a lien on the property and eventually get the money back. With the retention ponds do we have a similar procedure to do this. If we have a \$100,000 and have a 100 homes do we have the authority to do this and can we recover the legal fees? Ms. Gahagan reported that the City attorney said they could.

Councilman Ebert asked if the subdivision is not completely built out and their retention pond is not in compliance and they are not responding can we refuse to not issue any new building permits in that subdivision until the problem is resolved? Ms. Gahagan reported she would need to get that question answered. In the new subdivision regs they have to fill out a stormwater maintenance agreement and it legally binds them to inform the homeowners so there is a legal trail at such time there is a HOA formed. Councilman Ebert reported there needs to be some type of signage informing the homeowners designating the ownership of it. There was a consensus to send out informational letters.

Ms. Gahagan further reported she had another intern that went out and

assessed all the swells, inlets, detention ponds, spillways, and pipes for a total of 2,961 within the city limits. There are 159 with issues. He has them outlined in GIS with the details of each so they can use it from now on. Ms. Boutwell reported they hope to be on CRNCRS (Community Rating System) soon so all this reporting can actually count toward credits for our community rating system. It will mean lower flood rates. They tentatively heard they might come in at an 8 on a scale of 10. The lower the number the better in this case. After they have all the reports it will help them lower the rating.

Discuss Councilmeeting Agenda of October 17, 2016

Additions/Removals

16-0630 HOA requested a different pole - Chad reported the paperwork reflects the cost from changes that the HOA wanted. They moved four of the lights; deleted two of them, and requested a regular wooden pole so that would wrap it up for what they wanted. It started with the HOA and their portion is \$10,500. Chad further reported they do have a letter from the HOA but lately they just have emails corresponding between Mr. Pitts and Randy Kurts, Angela and EMC. Councilman Ebert reported he wants to make sure the City has documentation from the HOA that it is not coming from one member of the HOA or an individual of the subdivision. The City needs something official from the HOA. This item has been carried over until the City receives a letter from the HOA.

16-0578 Work Session Minutes of October 3, 2016 - Nothing to report.

16-0579 Council Meeting Minutes of October 3, 2016 - Nothing to report.

REPORTS

16-0635 Sales, Lodging and Rental Tax Report - Mr. Thompson reported the numbers do not include the accruals. Sales tax looks like it will close slightly below budget. We budgeted \$1.14 million in sales tax, which is pretty healthy from what actuals were last year, which was \$13.4 million and currently sitting at \$14.5 million, which is \$90,000 down from our budget. He is expecting our accrual to be \$50-\$60,000, which would give us 99.8% of our budget. Overall it was a pretty good year. Each month of the year came in higher than the previous year's month. We are 5.25% above, or \$620,000 above actual. Lodging tax had a very strong growth year as we are currently sitting at 13.9% above last year. No new units were built and it went straight to the hoteliers bottom line. Without the accrual lodging is sitting at \$944,000 for the year and is \$101,000 above last year, 13.9% growth, 14.4% above budget. Rental tax had a very strong growth year; however, it is below budget. Rental tax is 11% above last year before the accrual, \$240,000 for the year and \$26,000 over last year and represents 11% growth; however, it is under budget by 15%. We were expecting a larger growth than that 11%.

The budgets are created in the summer; July and August of 2015 and at that time we anticipated that we would see some substantial growth in these projects that were coming on board. We did have some new businesses like Ross Dress for Less, Panda Express, but there were some projects that would be developing more quickly, i.e. both hotels as well as some larger business. Given the time lags Mr. Thompson believes all three revenue streams did very well. Once the accruals have been completed he will give the Council the final numbers.

Councilman Blackwell reported Ryan's closed. Mr. Thompson reported the corporate owner of Ryan's has been in bankruptcy for a couple of years. They closed 81 restaurants around the nation and that was one of them. That corner is going to be a prime location for a business. There was a discussion regarding entrances on Pride Drive to the businesses on the south side of Pride Drive and fronting another street.

16-0617 September CDD Report - There was nothing to Report.

16-0619 CDD FY 2015/16 Annual Report - There was nothing to Report.

16-0623 Fire Department Monthly Report September 2016 - There was nothing to Report.

16-0620 September 2016 Foley PD Monthly Report - There was nothing to Report.

Resolutions, Ordinances and Other Business

16-0562 Authorizing Certain Accounts to be Written off as Uncollectible - There was nothing to report.

16-0571 An Ordinance approving petition for annexation and bringing property into the corporate limits of the City of Foley (Jerald & Sam Styron) - This is the first reading. Part of the subdivision (first 300') is already inside the city's corporate limits.

16-0574 A resolution to amend Resolution 16-16-1250 rescheduling meeting dates due to the holidays - The resolution adds January 3 to accommodate New Year's Holiday and corrects the dates for Martin Luther King holiday, both of which are Monday holidays. These will be going to Tuesday meeting dates.

16-0613 Resolution to set the time for the Organizational meeting - State law sets the date as the first Monday in November but the Council needs to set the time. There was a consensus to set the time at 2:30 p.m.

16-0614 Zoning Ordinance Amendments - Ms. Boutwell reported site plan reviews used to be 30,000 and above went to Planning Commission and go to 10,000 in the slow time. We have upped it again because the agendas have getting very full so they changed it to 50,000 sq ft. They modified some of the site plan requirements that they need to approve i.e. temporary structures. They have problems with people wanting to move temporary food type things in so they limit it to six months during a single calendar year. Mental building facades had been written not thinking about the Event Center that has architectural panels or Moyer Ford that has architectural panels so they exempted them. B-1 just clarifying in the downtown area that you can have joint residential and commercial use or stand alone residential use. It was under Uses Permitted on Appeal but now it will be by right. The outdoor dining was written that it had to come before Council for approval. Council wanted it to be approved by Planning Commission unless there was some issue that needed to come before Council.

16-0615 City Hope Church Community Outreach - This item needs to be memorialized because it was held October 15 from 8:00 a.m. until noon.

16-0616 Resolution Amending Pay Classification Plan for Classification Upgrade to Economic Development Director Position - Sandra Pate reported from time to time they bring positions to the Council. They looked at jobs in 2012 and more jobs are becoming more complex and as they change they see the essential job duties change or appear to have changed substantially. They take a survey and if they see that they have changed substantially then they send it out to the Archer Company that is an outside firm who will take a look at it. The Archer Company has returned the Economic Development Director Position with a recommendation to raise the pay grade two grades. It raises it in the pay classification plan but it does not raise the pay of the position. It gives the employee in that position some bandwidth so that when the employee becomes eligible for a pay raise they would have some bandwidth for that and we are not asking for funding.

Councilman Ebert asked what if the current activities and duties of the individual involved may not be doing this any longer and the duties are actually reduced somewhat? Are they still eligible for those increases? Do we get the job re-evaluated and it gets regraded? Ms. Pate reported anytime they are made aware that the essential duties/functions of the position have changed up or down then they will have the job re-analyzed. It is important to look at that. We will probably come to Council at the next budget to ask for the whole pay plan to be studied because essentially it is good to look at you pay plan every five years to stay with the market. They are seeing more and more with this now. Several of these have been brought to you over this past year because the City of Foley has been growing and the jobs are becoming more complex. The scope of the duties are changing as well as the jobs. They are seeing the employees becoming more redlined. More and more employees are seeing their maximum pay grades. It is very important to stay with the market so we can attract good employees. Ms. Pate reported it has been five years since the last study was done. Councilman Hellmich reported the last raise we saw was merit based. If you don't have the possibility of growth then you need to modify your performance based system and since we are really pushing performance base, because we really want people to perform, then you need to look at this to allow them to grow. If you don't then you have to look at changing to raises where it is a cost of living adjustment. Ms. Pate reported if you do a cost of living you aren't studying the market so how do you know what is the current market. Councilman Ebert asked if there were any other positions under review. Mr. Thompson reported there were IT positions that were recently approved. Ms. Pate reported there will be some in the Street Department. Councilman Ebert asked if there were any positions in Don Staley's department. Mr. Thompson reported that when they looked at the new positions it was prior to the budget and they changed responsibilities at that time.

16-0618 A resolution setting a public hearing declaring weeds to be a public nuisance and ordering its abatement at common area of Iberville Square - The was nothing to report.

16-0621 Amending the budget for Sports Tourism Field Sponsorships - Sue Steigerwald reported this is a budget clean up. They received some of the Sports Tourism Sponsorship in last fiscal year in this fiscal year and they will differ that money to this fiscal year's revenue. During the budgeting time Don didn't fully understand that he had to have an account for revenue and

expense so they will record that correctly, which is more now. He has found more sponsorship opportunities and it will have a positive impact of \$15,000 on the budget.

16-0622 Request to purchase (2) Thermal Imaging Cameras (TIC) for the Fire Department - Chief Darby reported they started replacing some of their thermal imaging equipment to go with the new truck. The last camera purchase was at \$12,000. A supplier has some demo units and they have purchased demo units before and saved them a lot of money on the front end and still come with a manufacturer's warranty. He has the opportunity to purchase two units in the amount of \$11,590 from the Fire Advalorem Funds. The old ones can still be used for training purposes.

16-0625 Resolution to transfer funds in the amount of \$650.00 from the Beautification Board budget to General Government to support hiring temporary labor for help with preparing Christmas decorations - Sandra Pate reported Brenda Shambo needs temporary help getting Christmas decorations ready to be put up. The Beautification Board account does not have a personnel account so she is transferring funds from Beautification Board to General Government for that purpose.

16-0626 Tanger Drainage Easement Survey - Chad reported he had a survey budgeted in the Capital Projects for the Tanger to look at the northern pond for evaluation to see if they excavate it would it help them help us hold water and also shot all the elevations of all the pipes (new & old) on the east side of Juniper all the way to CR20. They are evaluating it now to see which drive would get the best bang for the buck if they add a pipe, lower a pipe, raise a pipe, etc. to help drain and maintain the channel along the sports fields. He had an email approval but not a formal approval. This will give him the formal approval that he needs to move forward. Mr. Thompson reported this project is not scheduled for this fiscal year but this information will provide the direction for the project on whether or not to do the project. Councilman Ebert reported they had looked at this years ago and was happy this was moving forward. Mr. Thompson asked Chad if there was any implication with the current pond, questioning on whether there was any free board availability there, would this survey help and analyze that at all? Chad reported they shot the invert out. They could take one shot based off of that because they basically have some sandbags in the mouth of the pipe on the pond side and we could calculate how much additional storage we could get. Mr. Thompson reported is Tanger holding more water than the pond is actually designed to hold. Councilman Hellmich reported they are using as both water retention and an amenity.

16-0627 Capital Purchase Request for 4 Tahoes and Related Equipment - Chief Wilson reported this is a budgeted item and they will move on it as fast as they can.

16-0629 Police Department Vehicles Deemed Surplus - Chief Wilson reported there are four vehicles they want to put into surplus with high mileage. There is one 2000, two 2004's and one 2006. They are also requesting permission to transfer two light bars out of the inventory that go on Crown Vics, because they will not need them, to go to the Silverhill Police Department. The resolution needs to be modified to include the light bars going to Silverhill PD. Chief Brock says thank you.

16-0630 Graham Creek Estates Street Lighting Request - This item is being carried over until we get a letter from the HOA.

16-0631 A resolution to reappoint Frank Henning to the Fire Code of Appeals Board - Frank Henning is willing to serve another term.

16-0632 A resolution to reappoint Carolyn Hollis to the Revitalization and Beautification Board - Carolyn Hollis is willing to serve another term.

Mr. Sal Muccio from Ashford Park requested two 2-way stops be turned into two 4-way stops. One is located at the intersection of E. Ashford and W. Ashford, and the other is at the intersection of Park Ave. and Parkford. President Pro-temp Hellmich reported this has come up before the HOA meeting that he has attended in the past and asked the HOA to come to a consensus and send the Council a letter and the Council has yet to get the letter. They looked at Park Avenue to narrow some lines, etc. There are just two 4-way stops on Park Avenue. Chief Wilson reported they have run radar in that subdivision and wrote a number of citations and it was a combination of people just passing through and residents. We do need to get a majority from the HOA to get something done. There was further discussion on this topic.

Mr. Muccio asked if the City was hiring more patrol officers to cover the amount of people coming to the Sports Tourism Complex. President Pro-temp Hellmich reported the Chief has a plan to hire more patrol officers due to the planned population growth of the City.

Mayor's Comments

Mayor John Koniar reported the Forensics seminar went over very well. Participation was good. Chief Wilson reported Mayor Koniar welcomed everyone. Chief Wilson had each officer tell where they were from and there were some cities that he didn't know. It was very well attended with approximately 200-300 participants.

Visitor Comments

There were no comments to report.

Adjourn

Hearing no further comments the Work Session adjourned at 5:24 p.m.