COUNCIL WORK SESSION AGENDA
CITY OF FOLEY
CONFERENCE ROOM, 407 E. LAUREL AVENUE
FOLEY, ALABAMA
MONDAY, OCTOBER 1, 2012 4:00 P.M.

Mayor John Koniar called the meeting to order at 4:00 p.m. Council members present: Wayne Trawick, Ralph Hellmich, Charlie Ebert, and Rick Blackwell. Absent: Vera Quaites. Others present: City Administrator Mike Thompson, City Clerk Vickey Southern, Sandra Pate, Joey Darby, David Wilson, LaDonna Hinesley, Butch Stokes, Steven Smith, Suzanne Kellams, Leslie Gahagan, Pam Harris, Jeff Rouzie, Steve Horn, David Thompson, Cindy Hamrick, Cheryl Morrow, Richard Turner, Margaret Hoehns, Evelyn Price, David Vosloh, and press representatives Guy Busby and Cathy Higgins.

ACTION ITEMS:

1. Approve Work Session Minutes of September 17, 2012.

   Councilman Hellmich made a motion to approve the minutes and was seconded by Councilman Blackwell. The vote passed unanimously.

2. Consider Consent Agenda of October 1, 2012.

A. Memorialize waiving Civic Center and kitchen fees for Optimist Club's annual fundraiser "Taste of South Baldwin" held September 25, 2012.
B. Memorialize A. Novak's invoice for stump grinding of one tree located at West Verbena Avenue and S. Alston Street in the amount of $100 for the Streetscape, PH IV project.
C. Memorializes Alabama Library Public Service (ALPS) FY2013 LSTA Collection Development Project Grant for $6,562.

   A resolution was moved to the Council meeting agenda.

3. Consider reappointments to the following Boards:

Board	Board Member	Term Expires October
Board of Adjustments and Appeals	Sheila Hodges	10-04-12
Planning Commission	David Rauch	10-06-12
	Phillip Hinesley	10-04-12
Senior Citizens	Bob Graham	10-01-12
	Charlie Fisher	10-16-12
Board	***Board Member***	***Term Expires November***
Fire Code of Appeals	Frank Henning	11-16-12
Building Authority, Library Authority, Public Park & Recreation Authority and Redevelopment Authority	Clyde Abrams	11-13-12

A resolution was moved to the Council meeting agenda.

4. Consider Abiding Love Fellowship's request to use Max Griffin Park Saturday, October 6th for a Children's (ages 6 – 12) Church Outreach from 10:00 a.m. until noon.

   This item was moved to the Council meeting agenda.

5. Consider Action Game and Movie's request to hold a "Zombie Run" fundraiser in Heritage Park November 3, 2012 from noon until 5:00 p.m. and waive the fees for the Pavilion. All proceeds will go to St. Jude's Children's Hospital.

   A resolution was moved to the Council meeting agenda.

6. Consider Mobile Symphony Youth Orchestra's request to use the Civic Center at no charge on Monday, December 10, 2012 at 7:00 p.m. for a concert.

   A resolution was moved to the Council meeting agenda.

7. Consider Family Promise of Baldwin County's request to use Civic Center at no charge for their annual fundraiser "5th Annual Chocolate Affair" on Thursday, December 6, 2012. Family Promise is a United Way organization.

   A resolution was moved to the Council meeting agenda.

8. Consider St. Margaret Catholic Church's request to hold a "Rosary Rally" (prayer vigil) on October 12, 2012 at Noon in Max Griffin Park.

This item was moved to the Council meeting agenda.

DISCUSSION ITEMS:

9. Cindy Hamrick: Consider request for funding of Ginwright Center.

Ms. Hamrick reported that the After School program had a waiting list of twenty children and the programs are going very well. She requested Council continue funding. Mayor Koniar reported that the same level of funding was approved in the FY13 budget.

10. Cheryl Morrow: Consider request to protest at City Hall Tuesday's and Wednesday's from 6:00 a.m. until 6:00 p.m. indefinitely.

Ms. Morrow stated she is requesting a permit to picket City Hall because the recent change to the sign ordinance no longer allows her to display her yellow wavy man in front of the flea market. She reported she has 20 booths in the flea markets and her business has been cut in half due to not being able to display the yellow inflatable balloon wavy man. She stated she wanted to exercise her 1st Amendment rights by picketing City Hall. Mayor Koniar noted that actually the sign ordinance has been in place for a very long time, but during the economic downturn the Council decided to put a moratorium on the ban of temporary signs to help local businesses. Now that the economy is starting to improve, that moratorium has been lifted so the law can now be enforced against temporary signs which included the yellow inflatable man. Ms. Morrow is requesting that the ordinance not be enforced for the flea market. Mayor Koniar noted there are other effective ways to advertise permanently. The balloon man is not a permanent sign. Ms. Morrow noted they do have a full billboard on the Foley Beach Express, but all the signs blend together and the yellow wavy man is the only way to catch people's eyes when they are speeding down Highway 59. Mayor Koniar replied he supports Ms. Morrow's free speech rights, but having the permit open ended is not a good idea. Councilman Trawick suggested allowing the picketing from 8-5 when City Hall is open and to allow it to run for 30 days. Ms. Morrow was reminded that parking in front of City Hall is limited to 2 hours. Ms. Morrow stated she will have no more than 10 people present at any one time. Ms. Morrow complained that the Foley City Council is not small business friendly. Council Trawick took opposition to this statement and commented that he has been in small business since 1974 and the City of Foley has always been small business friendly. At one time, when he was told he couldn't have his sign, he worked with the City to come up with an alternate solution. Ms. Morrow asked if the speed limit could be lowered, but was told that is an ALDOT regulation and she would have to contact them. City Administrator Mike Thompson noted that the ordinance does allow a business to have a temporary sign four times a year for special events and a new business to have one the first two weeks of a grand opening. Ms. Morrow commented she is a member *of the Chamber, a sponsor of the Foley Little League and doesn't understand why the City won't allow her to display her yellow wavy man. Mike Thompson noted that he had talked with Ms. Morrow twice asking her to get with Miriam Boutwell to come up with some solution to rectify the situation. Councilman Hellmich commented that ordinance was structured to help small business and it now allows things like reader boards where a business can advertise all of its services and/or products. Ms. Morrow commented those reader boards are too expensive. Councilman Hellmich suggested Ms. Morrow meet with Miriam Boutwell to see if they could come up with some suggestions that the Planning Commission might be able to consider to help her situation. There was Council consensus to issue Ms. Morrow a permit for 30 days, with picketers to be located on the area of grass in front of City Hall. The permit will allow picketing from 8:00a.m. to 5:00 p.m., Monday through Friday.*

11. Leslie Gahagan: ***A)*** Discuss naming of Wolf Creek Park Property. ***B)*** Accept ADCNR State Lands grant for Wolf Creek Park improvements. Grant is $50,000 with a 1:1 match, including at least $20,000 in-kind services. Improvements will include kayak launch, fishing pier, signage, parking area, small pavilion and picnic areas. The application was approved under Resolution 4792-12. ***C)*** Consider amending GCNP Operating Budget FY13. ***D)*** Discuss Coastal Wildlife Center.

A) *Mrs. Gahagan asked the Council to consider an official name for the Wolf Creek Park Property that the City obtained from the County. She noted that the County was going to name the park after Stan Mahoney, but the City already has a road named after him. Mayor Koniar asked the Council to think about some names. Carried over for further consideration.* ***B)*** *A resolution was moved to the Council meeting agenda.* ***C)*** *Ms. Gahagan stated they were not able to spend all of the budgeted funds in FY12 due to inclement weather. She is therefore requesting to move $7,099 from the FY12 budget to the FY13 budget. She noted there was no match on this grant. A resolution was moved to the Council meeting agenda.* ***D)*** *Ms. Gahagan spoke on behalf of the Coastal Wildlife Center and provided a status update. She reported that they had received a federal inspection and the only thing they need to do is complete the fence. The cages were approved. Power, sewer, and water are hooked up. Dr. Dykes has also approved everything and supports the Center. They are now waiting for U.S. Fish & Wildlife to issue a permit. They have paid their bills and have volunteers working with them on the business plan and medical facilities. Councilman Ebert stated that he agrees with this conceptually, but he is not in favor of continuing the land use agreement. He noted his understanding is that they don't have any insurance in place. There was conversation about the possibility of helping the Center find an alternate location other than City property and/or giving them a temporary lease for six to twelve months to give them time to find another location. The item was carried over for later consideration after the Center has received a permit from U.S. Fish and Wildlife.*

12. Butch Stokes: ***A)*** Consider request to approve South Baldwin Chamber of Commerce's "Business After Hours" event to be hosted by Alabama Credit Union and Volkert, Inc. and to close one block of West Verbena Avenue from the West side of Hwy. 59 to the East side of South Alston Street. ***B)*** Consider approving ATRIP Funding participation in the amount of $263,672 with Baldwin County's participation of $195,000 for the CR20 improvement between Hwy. 59 and South Hickory Street.

    A) *A resolution was moved to the Council meeting agenda.* ***B)*** *This item includes a bike path on one side and addresses drainage issues in the area. A resolution was moved to the Council meeting agenda.*

13. David Thompson: Consider improvements to Mel Roberts Park tennis courts and repairs to fencing in the amount of $11,896. Fiveplex covered area will cost less than amount approved under Resolution 5048-12. Request to transfer $11,896 from Account 12-665-7299 to 01-622-4030.

    A resolution was moved to the Council meeting agenda.

14. John Koniar: Consider resolution supporting the passage of a temporary one-cent sales tax to maintain educational programs and services in the Baldwin County Public Schools.

    A resolution was moved to the Council meeting agenda.

15. Jeff Rouzie: Consider renewing Retail Strategies Agreement for a three year period (October 1, 2012 through September 30, 2015). The first year's cost is $24,000 and the second and third year will be at a cost of $16,000 annually.

    A resolution was moved to the Council meeting agenda.

16. Mike Thompson/Jeff Rouzie: Consider approval to apply for the Gulf Tourism and Seafood Promotional Fund to assist with construction of the proposed farmers market.

    Mike Thompson noted that this will be the City's first pass at a farmers market and a cooperative of farmers will actually run the farmers market. Some states have done really neat things and this could grow into a great endeavor. A resolution was moved to the Council meeting agenda.

17. Steve Horn: Consider accepting the Alabama Public Library Service (APLS) FY2013 LSTA Collection Development Project Grant for $6,562.

A resolution was moved to the Council meeting agenda.

18. Suzanne Kellams: ***A)*** Accept a Community Development Block Grant (CDGB Project No. LR-Commercial Miscellaneous-PF-12-007). ***B)*** Adopt and implement a policy regarding Standards of Conduct, Procurement Methods, a Plan for Minimizing Displacement, and a Section 504 Transition Plan for CDBG grant. ***C)*** Fair Housing Resolution as required by CDBG grant. ***D)*** Authorizing advertising for administrative services for CDBG Grant. ***E)*** Increase the Centennial Committee to 13 members.

    A-E) *Resolutions were moved to the Council meeting agenda.*

19. Rick Blackwell: Consider waiving fees Heritage Park and Pavilion for Foley Lion's Club and the Trailblazers' annual fundraiser "Le Tour de Foley" October 12, 2012 from 3:00 p.m. until and October 13, 2012 until 3:00 p.m.

    Councilman Blackwell noted that they want to put up a tent on the south-east corner of Heritage Park, but they won't be needing the pavilion. A resolution was moved to Council meeting agenda.

20. Mike Thompson: Consider request to go to bid on one truck for the Community Development Department. This is a budgeted item under FY13 Account No. 01-615-7010.

    A resolution was moved to the Council meeting agenda.

ADD ON'S:

21. Consider a resolution memorializing amendments to the September 17, 2012 Consent Agenda. There were five items approved during the minutes but the remaining two items were inadvertently omitted from the resolution.

    A resolution was moved to the Council meeting agenda.

22. Consider a resolution approving sponsorship for the Coastal Chorale. Sponsorships are in the amount as follows: Bronze ($100-499); Sapphire ($500-$999); Emerald ($1,000 - $2499); or Diamond ($2500 and above).

    A resolution was moved to the Council meeting agenda.

Councilman Hellmich asked Butch to speak with ALDOT and request a speed limit reduction to 45 mph up in the area of the Flea Market since that area has now been annexed into the City.