



Meeting Minutes - Final City Council

Tuesday, September 8, 2015

4:00 PM

Conference Room

Work Session

Call to Order

Council President Wayne Trawick called the Work Session meeting to order at 4:01 p.m.

Roll Call

President Trawick reported all Council members were present with the exception of Mrs. Quaite, who is on here way and should be here shortly. Others present are as follows: Vickey Southern, Mike Thompson, Katy Taylor, Dana Overton, Don Staley, Leslie Gahagan, Kate Embry, Taylor Davis, LaDonna Hinesley, Steven W. Smith, Miranda Bell, Sue Steigerwald, Joey Darby, Chad Christian, David White, David Wilson, David Vosloh; Eric Thompson, Thurston Mosely and Ed Chavis (American Legion Post 99), Jaye Robertson (HMR), Kathleen Baskin and press representative Jay Sowers.

Present: 4 - President Wayne Trawick, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

Absent: 1 - Council Member Vera Quaite

Discussion Items

[15-0503](#)

American Legion's request to continue their turkey shoot

Cmdr. Ed Chavis stated the American Legion began their fundraisers in 1953. Last year they came before the Council to request permission to hold their annual fundraiser and it was approved with stipulations as follows: 1) Modification to firing range per the Police Chief and no building within 200 yards of the range; 2) Shotguns with birdshot only will be used and the contestants will be behind and away from the contestant whose turn it is; 3) the fundraiser will have to be approved on an annual basis pending the outcome of the Police Chief's inspection. The Police Chief did come out and relocated the distance of the range and ensured that no building were within 200 yards of the firing range. They implemented the changes that were stipulated in the approval last year.

Chief Wilson recommended approving from September 2015 through September 2016. There was a consensus to move this item over to the Council meeting agenda.

Enactment No: 15-2293-RES

[15-0528](#)

Discussion of Events at Graham Creek Nature Preserve

Leslie Gahagan reported Ralph Gold is the new coach for the cross country team at Foley High School. They have included the Middle School Students and have a combined total of 60 students in the program. The Zombie Run is the annual fundraiser for them and it scheduled for October 17, 2015 at 4:00 p.m. Last year they raised a lot of funds for this event and would like to continue it this year. She also reported that if the Council approved the event she would like to have some photographers on the course to take photos of the contestants and the zombies.

Councilwoman Vera Quaites arrived at 4:09 p.m.

Leslie further reported she would like to hold the first annual Haunted Forest. This event would include six Foley themed hauntings. The community has heard about this event and are really involved in helping out. The hayride would be with a special trailer that had sides on it so that the City would not have a liability issue. Councilman Ebert asked how many trailers would be available for this event. Leslie reported she has funds in the FY15 budget to purchase a trailer for approximately \$4500 that would be built with sides high enough for people not to fall out of the trailer and seats. She has some funds in FY16 budget, if approved, that she could purchase another trailer prior to the event. This would give them two new trailers and they planned on using the City's trucks to pull them. Councilman Ebert expressed his concerns that there might not be enough trailers because the public loves haunted hayrides and also thought that tractors would be better and asked her to get in touch with the South Alabama Antique Tracker and Engine Club to see if they would be willing to participate.

Leslie reported the Graham Creek Nature Preserve Advisory Board approved both events. She asked the Council to consider approving them so that she can move forward with the purchase of the tractors. The Council's consensus was to approve both events and move this to the Council meeting agenda.

Discuss Council Meeting Agenda of September 8, 2015

There were no comments for the following file ID items:

15-0506 Presentation to the Mayor and Council

15-0504 08-17-2015 Work Session Minutes

15-0505 08-17-2015 Council Meeting Minutes

15-0467 Resolution to reappoint Monte Clark to the Board of Adjustments and Appeals - President Trawick reported Mr. Clarke is willing to serve another term of office. This item remained on the Council meeting agenda.

15-0501 ABC License for Alabama Festival of Flavor - Chief Wilson and Chief Darby reported they had no issues on this request. This item remained on the Council meeting agenda.

15-0507 A resolution to reappoint John Koniar to the Utilities Board of the City of Foley - President Trawick reported the Mayor's term does not run concurrently with the Utilities Board as the term of office for the Utilities Board is a six-year term and the term of office for the mayor is a four-year term. He

requested some verbiage be added to the resolution to ensure there would be no future problems like they had in the past. Mayor Koniar reported the Utilities Board term and the term of public office should be for the current mayor, whoever that might be at the time when the new term of office begins for the mayor's seat. This would be for future year's to come not just this year. There was a consensus to add some verbiage and staff will get with the City attorney to ensure there isn't anything in the Utilities Board rules that dictate something different. This item remained on the Council meeting agenda with the stipulation of the added verbiage and it is checked with the City's attorney.

15-0508 Amending Resolution 14-0200 Financial Support for Keith Smith's Foley Football Book - This is just a housekeeping item to extend the deadline and reiterated he can keep the funds to help with publishing that Council has granted. This item remained on the Council meeting agenda.

15-0509 Consider the first reading of an Ordinance approving the application for pretrial intervention and diversion program - This item remained on the Council meeting agenda.

15-0510 Consider reappointment to the Construction Board of Adjustments and Appeals - President Trawick reported this is Jimmy Jurkiewicz's term that is expiring and he is willing to serve another term. This item remained on the Council meeting agenda.

15-0516 Resolution requesting transfer \$2,000 from the Employee Continuing Education Account to the Management Training Account - Mike Thompson reported this action is for the Leadership Retreat for the Directors. This item remained on the Council meeting agenda.

15-0522 Set a Public Hearing to consider Planning Commission's recommendation for initial zoning of R-1B (Residential Single Family) for 1 +/- acres being annexed into the corporate limits of Foley (Dovie Stephens) - There were no comments. This item remained on the Council meeting agenda.

15-0524 Memorializes agreement with the Mobile County Commission and South Alabama Regional Highway Safety Office (SARHSO) for overtime grant funds for 2015 Drive Sober or Get Pulled Over/Labor Day Campaign - Kate Embry reported this is the annual grant funds the City gets from Mobile County. There are no matching funds. This item remained on the Council meeting agenda.

15-0525 Request to transfer funds in Nature Parks - Leslie reported this is to purchase the wagon mentioned previously for the Haunted Forest. This item remained on the Council meeting agenda.

15-0526 Request to contract with GeoCon for Construction Materials Testing at Graham Creek Interpretive Center - Leslie reported this item had to have a separate contract for GeoCon. This item remained on the Council meeting agenda.

15-0527 Final extension of Special Economic Development Grant Agreement between the City and COROC/Riviera, LLC - Mike Thompson reported the original agreement allowed for three two-year extensions and this is the final extension that would end November 10, 2017. At that time the Council and the

Cooperative District will need to consider if they want to do a new contract or not. This item remained on the Council meeting agenda.

15-0529 Resolution reappointing Charlie Fischer and appointing Don Auseon to the Senior Citizens Board - Vickey Southern reported Mr. Fischer is willing to serve another term of office; however, Mr. Bob Graham was not willing to serve due to his health. Pam Harris has recommended Don Auseon as he and his wife have been faithful in attending all the events at the Senior Center. Mr. Auseon is willing to serve on this Board. The Council stated how appreciative they were for Mr. Graham faithfully serving on this board and all the contributions that he has made to the City. Staff will write a thank you letter. This item remained on the Council meeting agenda.

15-0530 North Pine and West Fern Drainage Improvements Bid Award and Engineering Contract Amendment - Chad reported these drainage improvements are the results of three homes flooding during the bad rains that Foley experienced a while back. HMR was hired to do the survey and design, construction engineering and inspection, and materials testing. There was \$300,000 in the Capital Projects Plan for the drainage improvements and engineering costs would normally be 20% of the construction fees, which would equal to \$62,000. HMR valued engineered the project, rescope and rebid the construction project. The \$300,000 was an estimated cost and HMR, based on the \$300,000 project, will charge the City an 18% fixed based fee instead of the 20% fee. He recommended accepting Baldwin County Construction's bid in the amount of \$294,275.81 plus an additional \$6,200 for engineering fees payable to HMR. Councilman Ebert reported that he thought the cost discussed was \$500,000 and then it was changed to \$225,000 after the value engineering. Then he thought it went from \$225,000 to \$300,000. Chad reported the \$300,000 was an estimated cost not the actual and HMR's cost was based on the estimated construction cost of \$300,000 and not the actual cost. The HMR actual costs are \$46,000 plus an additional \$6,200 for a total of \$52,200, which is still below the typical 20% (\$60,000) engineering fee. Councilman Ebert requested to hold up on Section 2 of the proposed resolution until he could see the documents prior to paying the additional \$6200. Jay with HMR stated he would be ok with moving ahead on the project and would be happy to get Councilman Ebert documents on the project. The proposed resolution minus Section 2 approving the additional \$6,200 engineering fee remained on the Council meeting agenda.

15-0531 South Pine Street Lighting - Chad reported that Randy has been working on this project. Baldwin EMC's proposal includes 13 lights for a total of \$11,025.66 to be installed on the west side of South Pine Street. It does not include decorative lighting. Riviera Utilities has the utilities on the east side and there are no poles. Maybe at some point in the future some decorative lights could be added but at this point because it is so dark on that portion of South Pine Street this will provide lighting. This item remained on the Council meeting agenda.

15-0532 Acceptance of the FY14 SAFER Grant sponsored by U.S. Department of Homeland Security - Chief Joey Darby was very excited to reported a no matching funds grant in the amount of \$1,154,421 was granted to the City of Foley for nine full-time fire personnel. This is a two year grant. There is no retention commitment. This item remained on the Council meeting agenda.

Joey updated Council on the progression of the new fire house. They are close to the punch list time and after that they will have to do IT installations. They are still a couple of months away but he wants to fully staff the fire house on day one. This will give him 60-75 days to hire and get people in place. They are ready to begin advertising as soon as tomorrow. They will need to bring all the fire fighters on at the same time in order to do a draw for the grant. At present they have 32 full-time, 9 part-time and 12 volunteers. Mayor Koniar enquired about the ISO rating. Joey reported he would like to keep it at a 3.

15-0534 Accept TBA Grant Opportunity and authorize access to Historic Foley Bakery - Kate Embry reported this grant is to do the inventory, assess, and conduct planning and community involvement related to brownfield sites, Once the EPA does this then we will know what needs to be done and they should be done prior to March 2016. Then the City can apply for the grant that does the cleanup of the property. This item remained on the Council meeting agenda.

15-0536 Approval of a Performance Contract with Foley Fire Explorers - Joey thanked Sue Steigerwald and Vickey Southern for getting the information and getting a performance contract together for him for the Fire Explorers. They had \$657.14 remaining of the donations and they have had a couple of Explorer posts that have benefited from training, etc. They are very active and hold fundraisers for different projects. Four of the former Explorers are now volunteer fire fighters. He would like the City to enter into a Performance Contract using the remaining funds. This item remained on the Council meeting agenda.

15-0539 Resolution approving a sublease agreement with Woerner AgriBusiness - Don Staley reported he has Tournaments, i.e. Lacrosse, Soccer, Frisbee, booked in November and the fields are not ready. He has a backup plan in that the Woerner's are willing to enter into a contract with the City leasing acreage on their turf farm. The contract will be from November 1, 2015 through April 1, 2016, when they anticipate the fields will be ready. This item remained on the Council meeting agenda.

15-0541 Resolution adopting FY 2016 Budgets - Mike highlighted portions of the FY2016 budget. The City has a \$2.3 million growth in the revenue of the budget. Included in the growth is the \$600,000 SAFER Grant, an anticipated business license jump, increase in property tax, retail sales growth due to new businesses that are here already and others that will be coming in. Expenses are up to \$1.4 million and it is entirely from labor. \$262,000 is set for merit increases, and the remainder is for head count. In 2008 personnel was at 293 head count and in FY16 we have a new head count of 19, increasing FY16 head count to 317, nine of which are fire fighters from the SAFER Grant; one IT person that will be self-funded because the County contract that is going away; one Court position that will become self-funded through the Pre-Trial Intervention and Diversion Program; two in the Recreation Department due to the new 5-Plex addition; four Sports Tourism positions, one PD position where one Detective position was previously moved as a School Resource Officer; and one for the Graham Creek Nature Preserve Interpretive Centre. These positions all have to do with the growth of Foley's services offered to its citizens. In 2008, we had 317 head count and today we have 293 head count. This is only an 8.2% when the citizen population grew 31%. This means the City has been working very efficiently with the employees they currently have.

Labor costs for FY15 are at 41.9% and in FY2016 labor costs will be 43%, still better than 46.6% in the FY11 (highest point).

Net revenues are set at \$278,000 before the Capital Projects and Cooperative Districts' projects. There are a lot of investments through bonds in the General Fund. The General Fund will be below self imposed 25% for disaster related funds but will be back above it in the allotted time defined in the General Fund Balance Resolution.

Capital Equipment is budgeted for \$900,000 in FY16 and for FY15 it is at \$1.1 million. The \$900,000 will cover vehicles needed new and as replacements, equipment for Recreation and Sports Tourism, and new mowers. Infrastructure that will be added are the new Fire Station, two soccer fields, one 5-plex, a dog park, completed pedestrian and bike trails/paths, and next year we will have 16 new sports fields. The road infrastructure that will be added include Pride Drive and Juniper Street, CR20 West, Beck Road, which are completed or soon to be completed, Fern Avenue, Keller Road and Philomene Holmes Blvd. It also includes maintenance of \$1 million including \$500,000 for road repaving, \$185,000 Streetscape plan to be completed FY16, and \$300,000 in drainage and repairs. A lot of the projects (investments and improvements in our City) that were and have been started will be completed in FY16.

At this point Mike asked the Council if there were any modifications they felt needed to be done. He noted that some of the Council felt the Facade grant, listed at \$10,000, should be changed to \$35,000 (an additional \$25,000 to be added to the budget). Mike further reported the unoccupied, empty buildings could receive up to \$7,500 grant and the occupied buildings could receive up to \$5,000 for improvements. After discussion there was a consensus to raise the funds a total of \$25,000 for a total of \$35,000 for FY16.

Mike further reported Chad has some projects that might could be changed. The Woodbridge Project might could be moved to 2017 because it deals with right of way issues. Orange Avenue has had repeated flooding problems. The \$40,000 could be used to do the Orange Avenue project first. Council expects Chad to just bring changes to them for consideration when they are needed.

The next item is the Glenlakes item. Chad reported that he could take care of the one crossing that has the most curvature. It will cost \$10,000 and it is not included in the budget. Chad also reported that he would implement this project in steps instead of spending \$10,000. First he will post three additional speed limit signs, add stripping and centerline to ensure that people see the bridge if there is a flooding event. Council's consensus was to add \$10,000 to the budget.

President Trawick reported the pass through funds show up as an expense and improperly affects our reserve requirement and asked if something could be done in the reporting to show this differently. Sue is to look at this and bring it back to Council.

Mayor's Comments

The Mayor had nothing to report.

Visitor's Comments

Councilman Hellmich reported staff has done a great job on the budget and the Directors did a good job of keeping down expenses.

Adjourn

Hearing no further comments the meeting adjourned at 5:21 p.m.