



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft

City Council

Monday, October 17, 2016

5:30 PM

Council Chambers

Council Meeting

Call to Order

President ProTemp Ralph Hellmich called the Council meeting to order at 5:31 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 also present. Others present: Mike Thompson, Vickey Southern, LaBron Williams, Miriam Boutwell, Joey Darby, David Wilson, Sal Moccio, Don Staley, Leslie Gahagan, Bill Swanson, and Andy Lugar (BKI).

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

Pledge of Allegiance

All people in attendance honored our Country by joining in saying The Pledge of Allegiance.

Mayor's Presentation

[16-0633](#) Proclamation: National Medical Assistants Recognition Week

Attachments: [Medical Assist. Proclamation](#)

Mayor Koniar presented the proclamation declaring October 17 - 21, 2016 as National Medical Assistants Week and urged all citizens to support the vital services provided by medical assistants for the benefit of all citizens. A group of medical assistants from Fortis College were in attendance, as well as Instructor Maggie Murphy, Vice President Daniel, and Ms. Ricki Packar who President of the Alabama State Society of Medical Technologists.

Additions/Removals

Carried Over until the next Council meeting on November 7, 2016.

Councilman Ebert made a motion to carry over file id# 16-0630 Graham Creek Estates Street Lighting Request and Councilman Blackwell seconded the motion. The vote passed unanimously.

Approval of Minutes

16-0578 Work Session Minutes of October 3, 2016.

Attachments: [10-03-2016 Work Session Minutes](#)

The October 3, 2016 Work Session Minutes were unanimously approved on motion by Councilman Blackwell and seconded by Councilwoman Quaites.

16-0579 Council Meeting Minutes of October 3, 2016.

Attachments: [10-03-2016 Council Meeting Minutes](#)

The October 3, 2016 Council meeting minutes were unanimously approved on motion by Councilman Ebert and seconded by Councilman Blackwell.

Reports

16-0635 Sales, Lodging and Rental Tax Report

Attachments: [Sales, Lodging and Rental Tax Report](#)

City Administrator Mike Thompson gave a summary of the Sales, Lodging and Rental Tax Report for September 2016. There are 12 months worth of totals for these three revenue streams without accruals so they are not complete. For Sales Tax they budgeted \$14.14 million for FY16 and we are currently at \$14.05 million, which is about \$90,000 below budget. Mr. Thompson feels that the accrual will cover two thirds of that and should be right at budget. The Revenue Department collected the largest amount of sales tax ever collected at 5.25% above last year or about \$620,000 without the accrual.

Lodging Tax Revenue - FY16 was a very strong year for lodging tax at 13.9% above last year. It is particularly impressive because hospitality rooms were not added in the City this past year so the 13.9% growth is a growth for the current hoteliers, which is very good. The growth for the year equates to \$944,000, which is \$144,000 above last year and about 14.4% above budget.

Rental tax also had a very strong year and like the other two revenue streams it had the most tax collected that has ever been collected. It was up over 11% over last year without the accruals, which is approximately \$240,000 for the year and \$26,000 over last year. Mr. Thompson further reported the City expected rental tax to increase with the amount of projects going on in the City and it came in a little below budget. Budget time begins in the summer and as of today our budgets are 14-16 months old so when the budget is done staff

anticipates certain amounts of growth. There is a good bit of growth for our businesses in the city but there are a handful of very large projects that at the time the budget was done we thought the projects would be farther along than they were. They are moving along but not as fast as what was predicted.

Mr. Thompson believes all three revenue streams have performed very well and he does anticipate seeing those three revenue streams grow through this fiscal year as well.

President Pro-temp Hellmich thanked Mr. Thompson for the report and after 14 months out was surprised that the city has come this close to budget. He just wanted to remind people how important sale taxes are to a city and it is roughly half of our budget. You can see why cities go after sales taxes and how important they are.

16-0617

September 2016 CDD Report

Attachments: [September CDD Report for Council.pdf](#)

City Planner Miriam Boutwell gave the September 2016 report in their entirety as attached to the minutes.

16-0619

CDD FY 2015_16 Annual Report

Attachments: [FY 2015_16 Annual Report.pdf](#)

City Planner Miriam Boutwell gave a summary of the annual report, which is presented in its entirety to the minutes.

Ms. Boutwell highlighted FY15 to FY 16 and reported Residential Permits increased 64%; Valuations increased 40%; Fees collected increased 62%; Permits increased 36% and Inspections increased 28%.

Mayor Koniar asked how the third party inspection process with CIEDA is working. Ms. Boutwell reported it was pretty rigorous on what they went through for a couple of months and got the City attorney involved because it was such a job to make sure that everything was covered. The Code allows a third party inspection. CIEDA is working seven days a week non-traditional hours and it would have been difficult for them based on the City's hours and work schedules and the City would be holding them up in a lot of circumstances. They have been working with them and CIEDA does inform them when inspections will take place so that they can be in attendance. CIEDA also sends their weekly inspection reports to Ms. Boutwell for her files. She believes the process is working out very well.

16-0623

Fire Department Monthly Report September 2016

Attachments: [Council September 16 10-16](#)

Fire Chief Joey Darby gave the September 2016 report as presented and attached to the minutes in their entirety. Chief Darby reported there were no structure fires last month; however there were 49 motor vehicle accidents, which is 38% of the incidents. One of those resulted in a fatality on CR20 between Hickory and CR65 between a vehicle and a pedestrian. Almost 24 hours later there was a second vehicle/pedestrian accident, which was a child, not far from there but no fatality. The child will be fine.

The response to fires has jumped up because we are still in the ADEM burn ban season. As of last week at the request of the State Forester the Governor signed a burn ban for the north 46 counties under an official burn ban. This is unusual to have this happen. The 21 counties in the south are under an alert status, which means conditions are favorable for fire conditions. State Forestry will not issue permits unless it is a prescribed burn and even those they scrutinize. If there isn't some significant rain Chief Darby would not be surprised to see the southern 21 counties included in the burn ban in the coming weeks. It can be monitored locally too.

Nelson Bauer has been very busy in September with 66 plan reviews. He has been extremely busy planning and looking at Fire Department and Emergency access, which is critical, with the things that CIEDA is building, and working with them on the front end. Nelson is doing a great job!

16-0620 September 2016 Foley PD Monthly Report

Attachments: [20161010111019572](#)

Officer Labron Williams, who is a school resource officer, gave the September 2016 Foley Police Department report, which is attached to the minutes in their entirety.

Chief Wilson reported that Officer Williams is very well known at the schools and he was proud of the school resource officers in Foley for being on high alert when the woman was in Elberta school firing a gun and officers from all over were called into assist. He was very mindful that Foley's officers kept their guard up and were on alert.

Councilwoman Quaites reported that all the children love Officer Williams.

Resolutions, Ordinances and Other Business

16-0562 Authorizing Certain Accounts to be Written off as Uncollectable

A motion was made by Council Member Charles Ebert, III , seconded by Council Member Vera Quaites, that this Resolution be adopted authorizing \$317.79 be written off from April 2015. The motion carried by an unanimous vote.

Enactment No: 16-1271-RES

16-0571 AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY (Jerald & Sam Styron)

Attachments: [Styron Petition](#)
[Dept. Reports](#)

A motion was made by Council Member Blackwell, seconded by Council Member Quaites, that this Ordinance be approved on first reading. The motion carried by the following vote:

Aye: 4 - Council Member Quaites, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

[16-0574](#)

A resolution to amend Resolution 16-1250 rescheduling meeting dates due to holidays

Attachments: [RES. 16-1250](#)
[Jan. 2017 Calendar](#)

A motion was made by Council Member Vera Quaites, seconded by Council Member Charles Ebert, III, that this Resolution be adopted. The motion carried by an unanimous vote.

Enactment No: 16-1272-RES

[16-0613](#)

Resolution to Set the Organizational Council Meeting

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this Resolution be adopted approving the Organizational Meeting be set at 2:30 p.m. on Monday, November 7, 2016. The motion carried by an unanimous vote.

Enactment No: 16-1273-RES

[16-0614](#)

Zoning Ordinance Amendments

Attachments: [Zoning Ord Amendments for Council.pdf](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, that this Ordinance be approved on first reading. The motion carried by an unanimous vote.

[16-0615](#)

City Hope Church Community Outreach

Attachments: [application](#)

A motion was made by Council Member Vera Quaites, seconded by Council Member Rick Blackwell, that this Resolution be adopted memorializing the use of Beulah Heights Park on October 15, 2016 from 8:00 a.m. until noon for a community outreach program by City Hope Church. The motion carried by an unanimous vote.

Enactment No: 16-1274-RES

[16-0616](#)

Resolution Amending Pay Classification Plan for Classification Upgrade to Economic Development Director Position

Attachments: [Economic Development Director.pdf](#)

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, that this Resolution be adopted amending the Pay Classification Plan for a classification upgrade from grade 37 to a grade 39 to the Economic Development Director position. The motion carried by an unanimous vote.

Enactment No: 16-1275-RES

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

Attachments: [Detention Pond @ Iberville Square](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites, that this Resolution be adopted setting a public hearing on Monday, November 21, 2016 declaring weeds to be a public nuisance and ordering its abatement at a common area of Iberville Square. The motion carried by an unanimous vote.

Enactment No: 16-1276-RES

16-0621

Amending the Budget for Sports Tourism Field Sponsorships

A motion was made by Council Member Rick Blackwell, seconded by Council Member Charles Ebert, III, that this Resolution be adopted amending the budget for Sports Tourism Field Sponsorships. The motion carried by an unanimous vote.

Enactment No: 16-1277-RES

16-0622

Request to Purchase (2) Thermal Imaging Cameras (TIC) for the Fire Department

Attachments: [20161010114051339](#)

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this Resolution be adopted approving the purchase of two demo thermal imaging cameras for the price of one from the Fire Department's ad valorem fund in the amount of \$11,590, which was budgeted in the amount of \$12,000 for one camera. The motion carried by an unanimous vote.

Enactment No: 16-1278-RES

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.

A motion was made by Council Member Vera Quaites, seconded by Council Member Rick Blackwell, that this Resolution be adopted approving the transfer of funds to support hiring temporary labor for help with preparing Christmas decorations. The motion carried by an unanimous vote.

Enactment No: 16-1279-RES

16-0626

Tanger Drainage Easement Survey

A motion was made by Council Member Rick Blackwell, seconded by Council Member Charles Ebert, III, that this Resolution be adopted approving drainage easement survey in the amount of \$3,700 by HMR, LLC. The motion carried by

an unanimous vote.

Enactment No: 16-1280-RES

16-0627

Capital Purchase Request for 4 Tahoes and Related Equipment

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this Resolution be adopted approving the purchase of four (4) Tahoes from the Alabama State Bid Contract with Donohoo Chevrolet and related equipment from multiple vendors in accordance with state and local bid laws. The motion carried by an unanimous vote.

Enactment No: 16-1281-RES

16-0629

Police Department Vehicles Deemed Surplus

A motion was made by Council Member Rick Blackwell, seconded by Council Member Vera Quaites, that this Resolution be adopted declaring certain police vehicles as surplus and authorizing disposal by best possible means; and declares two (2) Whelen Liberty 48" Light Bars as surplus and approves donating them to Silverhill's Police Department. The motion carried by an unanimous vote.

Enactment No: 16-1282-RES

16-0630

Graham Creek Estates Street Lighting Request

A motion was made by Council Member Charles Ebert, III , seconded by Council Member Rick Blackwell, that this Resolution be carried over to the City Council meeting for additional information, due back by 11/07/2016. The motion carried by an unanimous vote.

16-0631

A Resolution to reappoint Frank Henning to the Fire Code of Appeals Board.

Attachments: [Fire Code of Appeals](#)

A motion was made to reappoint Frank Henning to the Fire Code of Appeals Board by Council Member Charles Ebert, III, seconded by Council Member Vera Quaites. The motion carried by an unanimous vote.

Enactment No: 16-1283-RES

16-0632

A Resolution to reappoint Carolyn Hollis to the Revitalization and Beautification Board.

Attachments: [Beautification Brd](#)

A motion was made to reappoint Mrs. Carolyn Hollis to the Revitalization and Beautification Board by Council Member Vera Quaites, seconded by Council Member Charles Ebert, III. The motion carried by an unanimous vote.

Enactment No: 16-1284-RES

Visitor Comments

The Mayor did not have any comments to report.

There were no visitor comments to report.

Adjourn

A motion was made by Council Member Charles Ebert, III, seconded by Council Member Rick Blackwell, that this meeting be adjourned. The motion carried by an unanimous vote.