



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, December 15, 2014

4:00 PM

Council Chambers

Work Session

Call to Order

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

Roll Call

All Council members were present. Also present: Mayor John Koniar, Mike Thompson, Vickie Southern, Katy Taylor, Steve Smith, LaDonna Hinesley, Randy Bishop, Miriam Boutwell, Dana Overton, Jeff Rouzie, David Wilson, Don Staley, Taylor Davis, David Thompson, Jacqueline Trimble, Sue Steigerwald, Chad Christian, press representative Cathy Higgins (Onlooker) and press representative Marc Anderson (Press Register/AL.com).

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

[14-0907](#)

John Koniar to discuss the South Baldwin Education Foundation, Inc.

Attachments: [Sponsors - SBEF](#)
 [Foley letter](#)
 [1-SBEF Directors and Officers](#)
 [2-FY2015 Budget](#)
 [3-Summary of Awards](#)
 [4- SBEF Current Financials](#)

Mayor Koniar reported the South Baldwin Education Foundation has been in existence for many years. They manage many scholarships awards through memorial scholarships sponsored by family, friends, organizations, community businesses, civic clubs and a combination thereof. Mrs. Marjorie Snook started her generous contributions, which grew dramatically. During the growth period while Mayor Koniar was treasurer he recommended the Foundation hire someone to handle the administration of the scholarships. Cayenne, who worked for the City's accounting firm at that time was hired. However, as the scholarships grew the Foundation saw the need to turn the administration over to the Chamber Foundation to do that portion. A few years

ago they sold a house as a fundraiser and they have been working off of those funds. They have been very self sufficient until this year. The Foundation has a \$15,000 shortfall and are requesting the cities of Gulf Shores, Robertsedale and Foley help through a sponsorship based upon the number of scholarships that were awarded to the children in each of those communities. The Foundation has also sold some sustaining sponsorships for approximately \$5,000 that will reduce the \$15,000 debt to the Chamber Foundation. Based on last year's numbers Foley's percentage would be approximately two-thirds or roughly \$7,000. They would like the City to consider helping the South Baldwin Education Foundation out this year and they will also pursue the other two cities that benefit from the scholarships. The way the Foundation works is Mrs. Snook will not allow any money to be used for administrative purposes and it all has to go to scholarships.

Sue Steigerwald reported she is on the Board of the South Baldwin Education Foundation. They sent out letters in hopes to obtain sustaining sponsorships but did not get a good response. The intent for the Foundation is to sustain itself and it has since 1987. They have never had to ask for assistance before now. They are hopeful that Gulf Shores and Robertsedale will see the benefit that is provided to their students and participate in getting through this one year. The deadline is December 31, 2014.

Councilman Blackwell reported that he is on the Ivan Jones Scholarship Committee and they collected money when interest rates were high. They couldn't pay for a \$500 scholarship after a few years and the Foundation made that scholarship good from some of their money. Mike Thompson reported there are well over 100 scholarships each year and the history is almost \$6 million in scholarships have been awarded. If you look at the math of what they are allocating to our children in the Foley community compared to the \$15,000 the Chamber charges for administrative fees then it comes out to 5% administrative costs, which is outstanding for a lot of work. They have to collect and review applications, analyze them and continue through the selection process. It isn't just collecting money and making sure the funds add up. There is a lot to it.

The Foundation is requesting Council consider providing the City's portion of the shortfall, which would be approximately \$7,000 or 66%. There were \$5,931,729 in scholarships to Foley High School graduates. President Trawick asked if the other cities or/and the City of Foley did not participate what would happen. Ms. Steigerwald reported they would have to raise the money or probably end up going to each sponsor to tell them the Foundation can no longer administer the scholarship for them without paying a fee. So it will pull funds out of the scholarships awarded. The Snook Foundation will not pay it. Councilman Ebert asked if they had to have action in December. Ms. Steigerwald reported they could ask for an extension as it is a bill from the Chamber Foundation.

After discussion there was a consensus to bring this item back to the Council for some type of action on January 5, 2015 and hopefully the Foundation will have an answer from the sister cities to see if they will participate and possibly raise more funds.

Discuss Council Meeting Agenda of December 15, 2014

14-0904 Public Hearing To Declare Weeds To Be A Public Nuisance And Order Its Abatement at 5 Canterbury Circle.

14-0905 Public Hearing To Declare Weeds To Be A Public Nuisance And Order Its Abatement at Vacant Lot on N. Oak Street.

14-0906 Public Hearing To Declare Weeds To Be A Public Nuisance And Order Its Abatement at 1608 S. Oak Street. Property has been abated by owner. - President Trawick reported all three properties were inspected this morning and all have been abated by the owner. No further action will be required; however, since the public hearings were advertised, the public hearing will still proceed.

14-0915 November 2014 Sales, Lodging and Rental Tax Reports - Mike Thompson reported November is the second month taxes broke \$1 million. Revenues are up 5.4% from last year. The lodging tax is going strong with a 56% growth year to date. Rental taxes continue to be on a downward trend. Revenue Director Meg Hellmich has reached out to the Alabama Department of Revenue to see if they can determine what is happening. Overall the November Revenue report is very good.

14-0779 Roof Repair to the Justice Center - Police Chief David Wilson reported that with help from other City departments, they have been mitigating mildew and working on the roof repairs at the Justice Center. Almost all the mildew is gone and there is a plan to get the roof repaired. Deputy Chief Randy Bishop reported a roof scan was performed as he showed a photo of an infrared photo showing the various places where moisture was located under the roofing material. There is leak somewhere in the building every time it rains and they haven't replaced the ceiling tiles. TREMCO is on The Community Cooperative Purchasing Network so the job doesn't have to be bid out. Building Official Chuck Lay has reviewed all the roofing materials TREMCO plans on using and he has approved them. The Inspectors will be a big part of the job to ensure the materials used are actually being installed. The Police Department located \$45,000 in the current budget to put towards the project but there is a shortfall of a little over \$57,000. If Council approves moving forward they will need to appropriate the additional funds for the shortfall. The Police Department would like to do all three phases. The first phase is to repair the wet areas; second phase is remedial repairs; and the third phase is a leak proof maintenance warranty on the roof. They will make it good for one year renewable up to one additional year. After the work is done the City will have two years to find ways to fund the \$200,00 over layment to come on top of the roof. President Trawick reported when the building was being built there was an issue with the roofer and the job should have been stopped at that point but it wasn't. D.C. Bishop reported he found an old moisture study from 2002 where different areas were addressed due to moisture in the building, paper and paint was coming off the walls due to the moisture and they continued to have issues with it since he and the Chief have been there. TREMCO redid the Daphne Justice Center and they were pleased with the results. Mike Thompson reported the roof is already 15 years old and this contract will give the City two more years before they have to re-roof it. TREMCO will have to do this prior to doing any reroofing. After further discussion this item remained on the Council meeting agenda.

14-0859 Ordinance Amending Ordinance 14 1023 Section 3. - This item remained on the Council meeting agenda.

14-0866 A Resolution reappointing Patricia Smith to the Foley Housing Authority. - Ms. Smith is willing to serve another term. This item remained on the Council meeting agenda.

14-0878 Request to develop a Graham Creek Preserve website and marketing campaign - Leslie Gahagan's mother-in-law passed away and was out of town for the funeral. Jackie Trimble reported Leslie is requesting an appropriation of fees for the website and marketing campaign. She believes the funds raised from race events and educational programs would far exceed the additional \$100 needed. This item remained on the Council meeting agenda.

14-0889 Request to contract with American Cornhole LLC - Don Staley reported 250-300 participants for three days could lead to televised National Championships. Cornhole is starting to take shape all over the Country, especially on Saturdays and at tailgate parties. They are gaining popularity and will have televised championships that the City could possibly host if they do a good job. Venues include the Graham Creek Nature Preserve, the horse arena, Tanger and once Blue Collar opens it will be considered as well. He will work with two local organizations on partnerships for sponsorships, volunteers and manpower once the event is approved. Tuscaloosa did this event at Jaycee Park after the tornado and it was a good event even though they had inclement weather. They will be making a site visit and they are looking at every possible place as a backup for bad weather if Blue Collar is not ready. The Foley High School Stadium and Farmers Market are possibilities. The deadline for saving \$1500 is December 20th otherwise it would be \$6500. This event will be good for the City's profile and the event is in November and will be a good economic impact for Foley. There are different divisions including elderly, youth and women. This is a budgeted item. This item remained on the Council meeting agenda.

14-0895 Approves the purchase of equipment for a Fire Department 4WD SUV - Joey Darby reported the lowest responsible bid came in from Moyer Ford in the amount of \$32,899 and recommended the bid be awarded to them. He also requested the use of the remaining \$7,101 from the \$40,000 budget to purchase all the required equipment. This is an ad valorem fund purchase. This item remained on the Council meeting agenda.

Councilman Blackwell asked Chief Darby to give an update on the fire at the Monteith Oaks subdivision. Chief Darby reported he and Chief Wilson put out a press release a little after 2:00 p.m. and then did live interviews between 2:30 and 3:00 p.m. at the scene. They released there was a fire in the Monteith Oaks Subdivision last night that was fully involved when they arrived in less than five minutes response. They extinguished the fire and found a victim inside. The scene is still being processed with multiple agencies bringing the State Fire Marshall's office in and continue to process this morning. The body was sent for forensic examination. The Coroner's Office has yet to release the identity of the victim. At this point there is no other reason to believe that it is anyone other than the resident but that has yet to be confirmed. Due to some autopsy findings this afternoon the fire and death investigation has transitioned into a homicide investigation. Chief Wilson has called in a group that investigates large scale crimes, which coordinates multiple jurisdictions. We can't release a lot now so that they can keep the integrity of the investigation. There is still a lot left to do and they will continue to be at the

scene through daylight today and possibly tomorrow. No firefighters or emergency personnel were injured but it is always sad to see a fatality. This is the second victim this year and number 85 or 86 for the State of Alabama, which is a really bad year. The City of Foley had number 39 and we have had several years without one.

Councilman Ebert asked if other agencies responded. Chief Darby reported not to the scene but complimented his staff and on duty staff and they had two contingencies of volunteers that responded that did great work on the scene as well. They did ask for Gulf Shores to come to Foley's jurisdiction line to standby and they did so. Magnolia Springs volunteer sent a crew to Foley Station #1. He reported they always appreciate their help. It was a good response on Foley's part but they were really behind when they got there and some of the factors are what leads us to where we are in the investigation. The fire was very well developed in a situation they would not normally see. He was very proud of his staff and the ability to work hand in hand with the Police Department. It was great to be able to reach out to the State agencies. The State Fire Marshall's office reached out to the ATF and they have had an officer there.

Councilman Blackwell asked who was in charge of the investigation. Chief Darby reported leading the fire side of the investigation is the State Fire Marshall's office and on the criminal side the Major Crimes Unit (MCU). MCU is made up of various county agencies.

Chief Wilson reported that fortunately Baldwin County does not have enough homicides each year for police officers to stay good at investigating them so we have multiple agencies that train towards these events and use a lot of the same people. The amount of resources they can bring in and experience simply by activating this team that trains together has been called on a half dozen times. It is a very competent, impactful and thorough team when they come together. It was modeled after St. Louis' model who came down and modeled it for them and they adapted their model.

14-0896 Resolution Amending Resolution #14 0517 - Sandra Pate reported this is just a housekeeping matter to Correct Job Title. This item remained on the Council meeting agenda.

14-0897 Creation of a Sports Commission Advisory Board - Don Staley reported sports commissions allow them to be more competitive with organizations. There is no funding or staff increases and it will stay within the Sports Tourism Department. Councilman Hellmich reported this is an advisory board and not regulated by a State Constitution or law. They can model it like some of the other advisory boards, like Graham Creek Nature Preserve Advisory Board. President Trawick reported they can come back to Council if they need to tweak it. Councilman Blackwell recommended David Thompson to be on the Board. Don reported that he is a non-voting member and if they added David another person would need to be added. If they decide to go that direction he recommended they offer a position to someone at Tanger and then later a hotelier. Councilman Hellmich reported he had no problem with that and they would be able to help him market the events. Mike asked for a clarification on creating the advisory board but modifying it to include the Recreation Director and a representative from Tanger mall. Don reported yes. Councilman Hellmich reported that it was included in the resolution. Don reported adding David was permissible and then the additional member would be a Tanger person or member at large.

The Powerman Event was incredible and Chief's Wilson and Darby did a great job at sending some men to volunteer for that event as we didn't have the volunteers that were expected. Those two departments and their personnel came to their rescue and it was pulled off very, very well, Councilman Hellmich reiterated the resolution needed to be modified to change the voting members from five to seven and add the Recreation Director and an at large position. David Thompson recommended adding LaDonna Hinesley because most of those listed in the backup fall under a CVB and marketing done through the City would be done through the City's Marketing Department. Don was in agreement and stated that they have a marketing group and LaDonna and her staff has done an incredible job on what she has done. We do need to make sure we can break a tie vote. President Trawick repeated what he understood the Council would be doing is changing the number of voting members from five to seven voting members and add the Recreation Director and one at large position. Mike reported that once the Board is formed then you have to bring back to the Council for them to select their representative and the at large representative. This item remained on the Council meeting agenda with the changes.

14-0898 Resolution Amending Resolution #14-0497 Housekeeping Matter to Extend Outgoing Library Position Through End of December - Sandra reported during the last Council meeting when she wrote the Library Computer Lab position she left out the section allowing the person in the current position be allowed to work until the end of the year because the person won't retire until January 1, 2015. No budget funds are necessary. This item remained on the Council meeting agenda.

14-0899 Approval of 010 Lounge Retail Liquor Class I for applicant, Maple Street Lounge, LLC. - Chief Darby reported they had to do a lot of renovations that they were heavily involved with but they satisfied all the Fire Department's requirements. They have posted an occupancy load for the building and requirements have been posted. The Fire Department will be following up on this in the future. This item remained on the Council meeting agenda.

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

14-0900 Pecan St. Culvert Replacement - Taylor Davis reported this is to replace the culvert that was damaged in the April flood event consisting of a triple corrugated metal pipe culvert. This is a request to appropriate the funding in the amount of \$310,447.50 and request permission to solicit for bids and for \$500 to cover the advertising costs. Volkert is completing the design and are tweaking the design based on their meeting this week. They should be able to advertise for bids in January. Construction should be early March. This will be a triple 8x8 box culvert with a 10' span with an 8' rise. This meets the 100 year design storm for bridges as per the construction manual. Mike asked how much would be covered by FEMA. Taylor reported Joe is continuing to work with them on the project. Chad reported that it was doubtful that FEMA would cover anything because the shoulder washout has already been done by Public Works so they may cover that part. He believed FEMA looked at the existing pipes and considered them to be failing and it wasn't just tied to that event. Mike asked about repaving. Chad has met with them extensively and will continue to work with Joe Bouzan but does not feel FEMA will cover it. This item remained on the Council meeting agenda.

14-0902 South Hickory St. Striping - Taylor reported they had a request to investigate the striping on Hickory Street from Michigan Avenue to CR20 West. After the last Council meeting they looked at it and the striping that is there is very faint and if you aren't looking for it you probably would not see it. It is definitely warranted and he would like an appropriation up to \$5,000 for restriping. It can be added to the resurfacing contract that will kick off after the first of the year so the same contractor can match the existing striping. This item remained on the Council meeting agenda.

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

14-0908 Resolution authorizing employees to enter upon the property at 5 Canterbury Circle for the purpose of abating the public nuisance. This item will be removed from the Council meeting agenda because it was abated.

14-0909 Resolution authorizing employees to enter upon the property at vacant lot on N. Oak Street for the purpose of abating the public nuisance. This item will be removed from the Council meeting agenda because it was abated.

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

14-0911 Permission to appropriate and approve the professional services fees for the 5 plex Phase 2 design and construction. - David Thompson reported they are still in the 30% design phase. He is asking for the professional service fees associated with project for building five new fields. They are looking at three different contracts, which will have subs under them. Volkert will be handling the engineering fees and they helped with first 5-plex and using a lot of the existing design with some new improvements. They are using McKee and Associates for the concession stand and modifying it from a two-story press box to a single story with some shade. It will be a bigger footprint with a lot of features that will help the youth league and the tournament business. There will be storage, a crew room that we don't have now, and a covered area. They are looking at Hoar Program Management to save funds. They will be bidding the project out through various packages. The dirt will be moved and use new dirt. They will have a fencing package, irrigation package, parking package, and lighting package, etc. Their goal is to have it completed by December 2015, which is a very aggressive schedule. Part of the plan is to create a connectivity between the two fields to allow for more warm up area but in the process we will have to deal with the ditches because they are a haven for snakes and aesthetically they are very difficult to maintain. It will cover the east and north side in the base package, and the west side will be set up as an alternate. Jay Dickson, Volkert, said that it would probably be an additional \$30,000. The ditches will be piped and they will be using square yard grates with small gaps. David further reported they will be doing a lot more geotechnical testing. Jay has asked for a lot more borings so they don't have to deal with the same issues they did in the past. They are amending the Hoar contract to extend through December and it actually help with some of the Blue Collar project as well and Hoar has come up with a creative way for getting some savings so they have a dedicated resource between Blue Collar and the 5-plex construction. The Master Agreement with Volkert will need another Task Agreement. Mike reiterated the "Blue Collar"

that David is referring to is not Blue Collar work but the City's sports events property adjacent to Blue Collar. Councilman Ebert asked at what point will someone talk with the Chamber and Tommy Rachel about the Balloon Festival activities. David reported he could speak with them at any time. Councilman Hellmich reported that he would like them briefed because the project will be putting in a lot more parking and it will be an asset to them. Councilman Ebert reported they would be in the best position to give any input on the project. David reported they are also looking at an alternate to create an additional gravel parking to be utilized by the Balloon Festival. They have met with Donna and talked but not recently.

Councilman Blackwell asked when the soccer fields would be ready. David reported the fields have rye grass seed on them and hopefully they will be growing and sprouting very, very shortly. They will be sprigging in mid-March.

President Pro-temp Hellmich reiterated tonight they are selecting professional services as per the resolution and then appropriates the funds for each. David reported they will be coming back with a better design closer at 60%. This item remained on the Council meeting agenda.

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

14-0914 Capital purchase request for 5 Tahoes and Related Equipment - Chief Wilson reported the vehicles were budgeted and he is requesting to purchase them off the State bid list and purchase the equipment per the resolution. Deputy Chief Bishop reported there are three in Fort Payne and are waiting on the other two. Once all five have been prepared they will make a run up to get them. This item remained on the Council meeting agenda.

Clock Tower Update - Mike Thompson reported he believed the tower will be completed by the end of the year. He and Suzanne met with the site manager this morning and he said he will be out this Friday. They have a lot of work to do and they are releasing quadrants to John Graham for the landscaping. The southeast section is available to John and he had the plants delivered today. He will be able to start on the northwest section tomorrow and southwest section the next day and the last section is the northeast quadrant. The good news is John will be able to get some of the landscaping work done while they finish up on the rest of the work. They have one quadrant of sidewalk to pour; still working on the risers on all the steps, which should be finished tomorrow; and bricks to lay at the base of the plaza on the east side in front of the larger stage. They have a few minor things like sealing the concrete located at the base of the tower, etc. If you speak with Randy he would be surprised if they get finished early next week. They have done some really good workmanship even though it is slow. Councilman Ebert reported Sted and Chad have both been impressed with the quality of craftsmanship.

Councilman Blackwell asked for an update on Pride Drive - Mike reported the City received the Mobile Asphalt award letter today from ALDOT. Mobile Asphalt was out there last week. EMC has to get the poles out of their way and they have been working on it this past week. The concrete poles will be in Wednesday. They have to have the road completed by July from CR20 to Juniper.

Mayor's Comments

There were no comments from the Mayor.

Visitor's Comments

There were no visitor comments to report.

Adjourn

This meeting was adjourned at 5:13 p.m. on motion by Councilman Hellmich and was seconded by Councilman Blackwell. The vote was unanimous.