



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft City Council

Monday, November 3, 2014

4:00 PM

Conference Room

Work Session

Call to Order

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

Roll Call

All Councilmembers are present. Others present: Mayor John Koniar, City Administrator Mike Thompson, Vickey Southern, Sandra Pate, Katy Taylor, Heather Pritchard, LaDonna Hinesley, Thurston Bullock, Don Staley, David Wilson, Suzanne Kellams, Jessica Middleton, David White, Steve Smith, Sue Steigerwald, Miriam Boutwell, Taylor Davis, John Jackson, Jeff Rouzie, Chad Christian, James and Cristol Thompson (Liguid Freeze, Deborah Ferguson (Snook Youth Club), Marc D. Anderson (AL.Com/Press Register), and Lowell Cunnginham.

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

[14-0750](#)

Purchase Foley Beach Express/Baldwin Beach Express Directional Sign

Attachments: [Quote - Vulcan Directional Sign](#)
 [Directional Sign](#)
 [Aerial - Directional Sign Location](#)

Assistant City Engineer Taylor Davis handed out a paper with three different types of signs. They developed a few options for Council comments. Upon reviewing the document Mike Thompson clarified that these are the signs that would go up on the Baldwin Beach Express south bound right of way. Foley is not mentioned on the signs on the Baldwin Beach Express. Mike asked if they had given any thought to the signage along the Foley Beach Express identifying they are at the Foley Beach Express. Taylor said that they can get Vulcan to do one like the one at the intersection of Hwy. 98/59.

Councilman Blackwell stated the north Welcome sign on Hwy. 59 looks bad. Mike reported he is working with John Graham and he will be bringing something back to Council on the gateway signs. There will be a gateway sign at the intersection of Baldwin Beach Express and Foley Beach Express. The east gateway signs are no longer at the starting point of Foley due to the annexations. He will probably re-purpose the signs on Hwy. 59 and use them for the east/west access and then have new signs on Hwy. 59 and at the intersection of Baldwin Beach Express and Foley Beach Express.

Jeff Rouzie reported that the wayfinding signs have already been approved at certain intersections and they will say Hwy. 98 in Foley and have a directional sign. Jeff wanted to make sure that people use the Foley Beach Express and then go west back into town from Hwy. 98, CR 20 and CR 12.

After discussion there was a consensus to move forward with the middle sign, replacing "Outlets" with "Foley Historic District" and replace "Foley Business District" with "Hospital."

LaDonna enquired about the style of the sign and Councilman Hellmich reported that the City would need to go with this style because it is what is existing on the Baldwin Beach Express.

Enactment No: 14-0485-RES

[14-0760](#)

A Resolution Amending the Bid Process

Sue Steigerwald reported the Finance Department wants to streamline the process for Mayor and Council for items that are in the budget for example, pipe, uniforms and regular operational items that are per unit. The Purchasing Agent would handle the bid process, a monthly report would go out and this would be restricted to the confines of the approved budgeted amount. On Capital Equipment the Director would come before Council and request moving forward. If it was approved then the bid process would be done. Mayor and Council would receive a monthly report to show the bid award instead of coming back to Council. The low bidder or lowest responsible bidder would be awarded the bid with the exception of bids that exceeded the budgeted amount. If the lowest bid came back above the budgeted amount they would have to come back to Council for further approval and appropriation. During the last meeting on Capital Projects Council approved a resolution approving the project to come before Council with all the components and that is the time where you would approve the budget, and the commencement of bidding. Here again it would be within the approved budget and you would again receive monthly reports showing who was awarded the bid for the project. It streamlines the process without Council having to approve each bid and the acceptance of each bid. You would actually approve the item in the beginning. This item was moved to the Council meeting agenda.

Enactment No: 14-0483-RES

[14-0788](#)

Appointment to the South Baldwin Chamber

Attachments: [SO BALDWIN CHAMBER APPOINTMENT.pdf](#)
 [Copy of Council serving on Boards 07-24-2014.pdf](#)

Mike Thompson reported the Chamber wanted to know if the Council would stay with the same non-voting representative on the Chamber Board of Directors or make a change. Last year we brought a list identifying what Council members served on a board. He asked if they were comfortable being on the same Boards or if they wanted to change. Councilwoman Quaite requested to be put back on the Foley Housing Authority and Councilman Blackwell reported that he would like to come off as the representative just listens with no input. Councilman Blackwell reported he was good staying with the Chamber. A resolution was moved to the Council meeting agenda to amend the list to take Councilman Blackwell off the Foley Housing Authority and adding Councilwoman Quaite to the Foley Housing Authority. The remainder of the list will stay the same. This item was moved to the Council meeting agenda.

Enactment No: 14-0484-RES

[14-0801](#)

Discuss Fiber Franchises

Mike Thompson reported in 2004 the Council approved an ordinance requiring fiber franchise agreements and that agreement required that any company selling fiber services within the City of Foley would have to pay a franchise fee of \$5,000 annually or 5% of revenues annually, whichever is greater. At the time there were two companies selling fiber services and since then one of the two is no longer in operation. We have one fiber company that has a franchise agreement that is renewable in December. Over the past year there are more businesses that are getting into the fiber business. Some are putting fiber in Foley to sell fiber services to Foley businesses or Foley individuals. Some are putting it in Foley and through Foley to sell it to businesses in other towns. It is the City's intention to notify these fiber companies that Foley requires a fiber franchise. Harbor and CenturyLink have started putting fiber within the City and there may be one that is trying to provide service to Elberta that must go through Foley. He wanted the Mayor and Council to be aware that the letters will be going out soon to those companies informing them that the City requires a franchise agreement from their company.

Discuss Council Meeting Agenda of November 3, 2014

14-0580 - A resolution Appointing a New Member as Alternate to the Board of Adjustments and Appeals and moves Joseph Bullard to a Regular Member Position - The Council was not ready to make an appointment to the Board but there was a consensus to move Joseph Bullard from an Alternate Position to a Regular Member position. This item remained on the agenda with the change to take the appointment off.

14-0651 - Accept Bid for Vegetation and Pest Management Services - Sue Steigerwald reported Edco, LLC submitted the lowest responsible bid in the amount of \$11,577.25 and recommended accepting it. This item remained on the Council meeting agenda. Councilman Blackwell reported there is a deep ditch at the intersection of Cedar Street and Azalea Avenue (Charlois Road) by the Irwin's property that needs to be sprayed because the mowers can't get all of the weeds. He wants to ensure these are included in the contract.

14-0782 - Rescheduling Council Meeting for 2015 to Accommodate Holidays and Conferences - President Trawick reported the holidays were changed to the following day; however, the May 18th meeting needed to have a new date selected. After a brief discussion there was a consensus to hold the meeting on Thursday, May 18, 2015 with the same times for Work Session and Council. This item remained on the Council meeting agenda.

14-0783 - Declare Cabinets Surplus and Authorize Their Disposal - City Clerk Vickey Southern reported the filing cabinets were transferred to the Community Development Department and the Municipal Complex Maintenance staff for their use. The resolution needs to be changed from disposal to transfer with the addition of one grey metal filing cabinet with no asset number and the wooden two section cabinet to the Municipal Complex Maintenance staff. The wooden cabinet did not have an asset number. This item remained on the Council meeting agenda with the stated changes.

14-0784 - Approves Application for FY15 EPA Brownfields Assessment Grant - Suzanne Kellams reported she wished to apply for the grant and requested \$2,000 to hire Terracon to provide grant writing services for the FY15 EPA Brownfields Assessment Grant. The deadline for the grant is December 19, 2014. This item remained on the Council meeting agenda.

14-0785 - Approves Purchase of Lamp Posts for Overflow Parking/Dog Park - Mike reported the City needed to purchase four lamp posts for the edge of where the dog park begins and the overflow parking begins. Two would be placed on the north side and two on the east side. Councilman Hellmich asked if these included electrical outlets because they had to go back and do this on the others. Sandra reported they did not include them because they did not anticipate needing them in that area for Christmas decorations and they are outside the park so people would not be able to plug in their phones while watching their dogs. Mike reported that they would probably come back for additional lights on the outer edge of the overflow parking but it will be addressed at a later time with the expansion of the Rose Trail. President Trawick asked if the City leased them or if they were purchased. Councilman Hellmich reported the City purchased them but thought Riviera supplied the electricity and maintained them. Sandra reiterated that the City paid for them

and Mike reported that the City pays a monthly fee for maintenance. This item remained on the Council meeting agenda.

14-0790 - Approval of ABC License for Bama Bud's - Chief Wilson reported Mr. Lowell Cunningham was ok to move forward. Mr. Cunningham, owner of Elite Marine, wants to open a lounge at the old Bronco's location. They have re-done the inside of the building and he is located across the street so he can keep an eye on it. Chief Darby reported the Fire Department has been involved with the renovations and it is ok.

14-0791 - A Resolution Appointing a Successor Escrow Agent, Registrar and Paying Agent for the Federally Taxable Lease Purchase Certificates of Participation, Series 2013 Qualified Energy Conservation Bonds - Sue Steigerwald reported this was the bond issue for energy conservation improvement. The professional firm that handled putting that bond issue together was not aware of the City's preference for using Regions. They worked with First Deutsch Bank and they turned it over to US Bank. US Bank will not accept a check so they have to wire funds, they don't issue statements, and it is difficult to get responses to questions. All the bonds would be handled through Regions Bank if the Council approved this resolution. This item remained on the Council meeting agenda.

14-0792 - Street Light Install on West Orchid Avenue - Taylor reported an elderly person requested to install a light at this location. He recommended moving forward on this item since it could be installed on an existing pole. This item remained on the Council meeting agenda.

14-0793 - Temporary Road Closure for Business After Hours Event - Council President Trawick turned the meeting over to President Pro-temp Hellmich. Volkert has requested the temporary road closure between the west side of Hwy. 59 and the alley located on the south side of Volkert for the 11th Annual Alabama - Auburn Business After Hours event to be held on November 25th between 4:00 p.m. and 8:00 p.m. They would also like barricades to be placed at each end of the closure to prevent traffic from using this portion of the street. Chief Darby reported that he has already taken care of the lighting and will see about the barricade request. This item remained on the Council meeting agenda. President Pro-temp Hellmich turned the meeting back over to President Trawick.

14-0794 - Acceptance and Use of Friends of the Library Donation - John Jackson reported he is requesting acceptance of the donation to add to funds already accepted previously for a total amount of \$5,000 that will be used for an internship program that will go through the Spring semester. There is a Foley High School student that is interested in the line of work such as Library Collections that would benefit from the program. This item remained on the Council meeting agenda.

14-0799 - Accept bid for Athletic Uniforms - David Thompson recommended acceptance of the lowest responsible bidder, Off The Wall, per unit. They have been using them the last several years. The bids were more competitive than they have been in the past but once they reviewed the calculations of the quantities they are the lowest bidder. This item remained on the Council meeting agenda.

14-0800 - Application for Airport Improvement Projects for the Foley Municipal Airport - Sue reported they would like to apply for Federal assistance to improve underground drainage under the runways and taxiways. They had sink holes occur and would like to have it all inspected. The total project estimate is \$165,000 with Federal assistance \$150,000 and the City's portion would be \$15,000. This item remained on the Council meeting agenda.

14-0803 - Permission to install pre-work and electrical service for new soccer fields construction - David Thompson reported all the pipe is in the ground; a new well has been put in place, and the last piece is putting in the electrical connection. Riviera has already installed the transformer. They want to have a vendor come in and set up the control panel so they can hook it up to the well so they can begin to sprig grass. The cost is \$13,000 and it will include Riviera's cost. It is late to be sprigging grass but they have rye grass to help. The contractor has guaranteed it. This item remained on the Council meeting agenda.

14-0804 - Proposed Zoning Ordinance Amendment - Miriam Boutwell reported that periodically ordinances need to be updated and this is amending some buffering requirements. Tonight we need to do the first reading and also set a public hearing. This item remained on the Council meeting agenda.

14-0805 - Amending the Pay Classification Plan for a Job Title and Pay Grade Change for the IT Technician I - Sandra Pate reported that a good portion of the IT services have been brought in-house. When they wrote the job description it was written for a lower level job function for desk top support; however, the employee currently serving in that position is doing a lot of network type level support. It is very valuable to the City but the job needed to be re-evaluated and they went back to the job analyst and they sent it back with a higher grade to Network Technician. It is a non-exempt position. This item remained on the Council meeting agenda.

14-0807 - Solicit bids for East Michigan Avenue Asphalt Repairs - Tayler reported this is for repairs east of Juniper Street to the South Pointe Apartments. It was damaged during the FEMA flood event. The base material is very solid and he felt the water table came up so high that it saturated the ground. With the truck traffic from R&S Paving and Mobile Asphalt as they ran the roads Taylor felt it caused the payment to settle. He requested it be repaved. This item remained on the Council meeting agenda.

14-0811 - Authorizing transfer of funds to support hiring a temporary position to assist the Environmental Manager - Sandra reported Leslie needs some help at Graham Creek Nature Preserve as she has some events coming up. She did have some money in her budget that can be transferred to be used for this temporary position. This item remained on the Council meeting agenda.

14-0812 - Request Approval to go to bid for a Full Sized SUV for FFD - Chief Darby reported they have a need for another heavy duty truck to pull trailers and equipment. The 2007 truck he currently drives is still good for that purpose if it is refurbished. They have Ad Valorem funds budgeted for a new SUV for the Chief to drive. This item remained on the Council meeting agenda. Councilman Ebert asked how the Ad Valorem Funds were coming. Chief Darby reported they are improving slowly but they are always behind because of the way they are collected. This past fiscal year they came in higher than

anticipated. They are in the neighborhood of \$150,000 annually. February is the big collection month and another fire department was added in the County a couple of years ago and it is another one to split the pot.

14-0814 - A resolution setting a public hearing to consider Planning Commission's recommendation to pre-zone 51 +/- acres and 9.7 +/- acres owned by Foley Investment Group, LLC - Foley Investment Group, LLC has withdrawn their pre-zoning request. This item will be removed from the Council meeting agenda.

14-0816 - Request to Transfer Funds for Foley Sports Tourism Marketing - Don Staley reported the marketing for the opposite side of the hot air balloon was too good an offer to pass up. He is requesting funds be transferred in support of this marketing campaign. This also approves Addendum 1 to the City's Agreement. This item remained on the Council meeting agenda.

14-0816 - Declares the gazebo on the Rose Trail as Surplus and Approves its Disposal - Mike reported the gazebo on the south side of the Rose Trail by the future dog park needs to be disposed of since it is rotten. They have not yet decided whether or not to replace it or if there would be a better use the space. This will be determined after they see what happens to the dog park entrance and they will also take into consideration Chad Watkins recommendations. Councilman Hellmich reported the dog park is really going to need some shade. Mike reported that they are considering shade structures in the park or an alternative for shade. This item remained on the Council meeting agenda.

14-0818 - Amends Resolution 14-0458-RES approving Sponsorship Agreement with Taking Off Hot Air Balloon Company - Mike reported this is two pieces. This resolution identifies the proper break out of the total amount that was listed in the resolution that was off \$10,000. Addendum 1 is identified in File ID 14-0816. This item remained on the Council meeting agenda.

Mayor's Comments

Mayor Koniar reported that he sent President Trawick, Mike, Don and Leslie an email regarding revenues from the events at Graham Creek to keep some of those funds to maintain Graham Creek in those conservation efforts, and we had to transfer funds tonight for personnel. Council might want to consider syphoning off some of those revenues to help the park be maintained properly. Councilman Hellmich reported the City created a recreation account for revenue they generated so funds could be tracked better. Mike reported the City could but the trick would be to determine how to calculate what you want to assign for that purpose. When Don brings an event that will be held in GCNP he will identify an estimated economic impact and from that will create an estimated revenue stream for the City. We could use the estimates and then Council could determine what amount or percentage is to be used for GCNP. President Trawick reported the Council needed to be thinking about the pros and cons before acting on it. He is not opposed to putting money back in to support GCNP but he wants to ensure that once they determine the amount that they won't want to change it since it is more difficult to undo ear marking funds. Mike will sit down with Don and Leslie to put some ideas together on how it can be done and bring them back to Council for further discussion. It is a good gesture on the City's part. They also have to think about the economic impact of events to fund the \$1 million interpretive center and we would have to create \$50 million of economic impact within the City to recover the \$1 million spent. President Trawick reported they also need to think about the \$5 million Council spent in purchasing the property. It could be done on a per event basis instead of ear marking funds across the board. This item will be brought back to Council for further discussion.

Visitor's Comments

Councilman Rick Blackwell asked if Heather Pritchard could give a report on how well the Farmers Market is doing. Heather reported that it is going well. They will continue with winter hours on Saturday 9:00 a.m. to 2:00 p.m. The development is coming along well with Moe's and Foreland Family Farms Market and that is why we brought this young man in today to showcase his ice cream that we would like to have in the sublease spot. It is awesome and we hope to add some local products in his ice cream, such as peaches and strawberries. Jeff reported they are watching the budget and will be talking with Myles Bishop today. Mr. & Mrs. James Thompson want to really be there so we will have him there sooner or later. Everyone thanked them for the samples of ice cream. It was delicious!

Mrs. Deborah Ferguson reported David Thompson asked her to attend the Work Session to give a report on what they are doing at the Youth Club. The Stem Summer Program went very well this Summer. They flew planes from Mobile to Dauphin Island. The boys were very excited about the program. The Fine Arts program continues to grow. They have incorporated the cello and viola for a string quartet that will perform at the Library and Senior Citizens homes during the holidays. They will be bringing Ken Ford back February 28, 2015 at 7:30 p.m. in the Civic Center. She encouraged everyone to save the date. The new thing is the Teen Prevention Program. This week the Sheriff's Department, Deputy Craig Stoffle will present a film on the new spice and other drugs. Spice is being marketed to the middle school and elementary school children. She has opened this meeting up to the public. The children need to know about this. We are working on taking two students to the Anti-Drug Coalition of America this year (2015). We need to have more students going to this event so they can see more of their peers from around the country advocating prevention. They come up with strategies and learn how to lobby at Capital Hill. They got to meet Senator Shelby about passing legislation.

Adjourn

Hearing no further comments the meeting adjourned at 5:12 p.m.