



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Draft City Council

Monday, April 7, 2014

5:30 PM

Council Chambers

Council Meeting

Call to Order

Council President Wayne Trawick called the meeting to order at 5:31 pm.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, David Wilson, Joey Darby, Pam Harris, Taylor Davis, Russell Brown, Niki Whitaker, Butch Stokes, Kipp Trawick, Lynne Thompson, Jim Dilecais, Jeff Rouzie and press representative Cathy Higgins (Onlooker).

Present: 5 - President Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

Pledge of Allegiance

Mayor's Presentation

14-0195 Proclamation - Child Abuse Prevention Month

Attachments: [Child Abuse Prevention Month](#)

Mayor Koniar presented Executive Director Niki Whitaker of Care House, Inc. with a Child Abuse Prevention Month proclamation. Ms. Whitaker thanked the City for its continuing support and partnership. Because of Foley's support, Care House, Inc. is able to take more child abuse preventative measures as well as intervention work. Mayor Koniar stated that it is unfortunate that this type of work is needed. Ms. Whitaker added that raising awareness will help and she handed out Child Abuse Prevention bracelets to the Mayor and Council.

14-0197 Proclamation - National Safe Boating Week

Attachments: [National Safe Boating Week](#)

Mayor Koniar read aloud a proclamation for National Safe Boating Week for the U.S. Coast Guard. No one was present to accept the proclamation.

Additions/Removals

A motion was made by Council Member Ralph Hellmich to add items 14-0220, 14-0233 and 14-0261 to the agenda and to carry over item 14-0222 to the Council meeting of April 21, 2014. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Approval of Minutes

14-0204 Work Session Minutes of March 17, 2014

Attachments: [03-17-2014 Work Session Draft Minutes.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of March 17, 2014. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

14-0202 Council Meeting Minutes Of March 17, 2014.

Attachments: [03-17-2014 Council Draft Minutes](#)

A motion was made by Council Member Charles Ebert III to approve the Council Meeting Minutes of March 17, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Ordinances, Resolutions and Other Business

14-0086 Revisions to FBE Access Units Exhibits

Attachments: [FBE Backup Doc. - Exhibits \(1\)](#)
[Backup Doc. - Revised Exhibits D & E](#)

A motion was made by Council Member Ralph Hellmich to approve the revisions to the Foley Beach Express Access Units Exhibits. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-1009-ORD

14-0191 Request for Transfer of Funds For Police Department Training Expenses

A motion was made by Council Member Charles Ebert III to approve the transfer of \$6,258.94 from the Building Maintenance Account to the Training Account for training expenses for the Police Department. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous

vote.

Enactment No: 14-0105-RES

14-0200

Accepting Grant for Equipment from ALDOT

Attachments: [pbt.units.3.2014](#)

A motion was made by Council Member Ralph Hellmich to memorialize the acceptance of the Mobile County Commission's Equipment Grant in the amount of \$3,445; memorialize the purchase of ten (10) handheld personal breath testing units for the Police Department in the amount of \$3,445. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0106-RES

14-0201

Tanger Funds Request For Police Department

A motion was made by Council Member Rick Blackwell to accept Tanger Mall's donation of \$500 to the Police Department and to approve the expenditure of \$500 for items for the Police Department's Mobile Command Center. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0107-RES

14-0205

Enter an Agreement with Mobile County Commission and South Alabama Regional Highway Safety Office (SARHSO) For Overtime Grant Funds for 2014 Click It or Ticket/Memorial Day Campaign

Attachments: [14-SP-PT-012 Grant Agreement.pdf](#)

A motion was made by Council Member Ralph Hellmich to accept the Mobile County Commission's Grant (Click It or Ticket/Memorial Day Campaign) funds in the amount of \$2,000 for the period of May 19, 2014 through June 1, 2014 to be used for traffic enforcement; to appoint Kelly O'Donnell to serve as the traffic safety coordinator; to approve the expenditure of the grant funds and to amend the FY14 budget accordingly. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0108-RES

14-0206

Enter an overtime funds agreement with Mobile County and SARHSO for \$11,000 for Hot Spot Impaired Driving Enforcement

Attachments: [Hot Spot Impaired Driving Enforcement Agreement.pdf](#)

A motion was made by Council Member Charles Ebert III to accept the Mobile County Commission's Grant (Hot Spot Impaired Driving Enforcement Project) funds in the amount of \$11,000 for the period of February 1, 2014 through September 15, 2014 to be used for traffic enforcement; to appoint Kelly O'Donnell to serve as the traffic safety coordinator; to approve the expenditure of the grant funds and to amend the the FY14 budget accordingly. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0109-RES

14-0207

Street Light Install at Osborne Lane and Hwy. 98

A motion was made by Council Member Ralph Hellmich to approve installing one (1) new street light at the intersection of Osborne Lane and U.S. HWY 98 on existing Riviera Utilities Pole No. 39181 for an annual cost of \$73.20. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0110-RES

14-0208

Office Equipment for Don Staley

A motion was made by Council Member Ralph Hellmich to appropriate \$1,400 from General Government Small Tools Account for a laptop, printer and other miscellaneous office equipment for the Executive Director of Foley's Multi-Use Community Sports Facility. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0111-RES

14-0210

A Resolution To Change Friday Night Event In The Park

A motion was made by Council Member Ralph Hellmich to approve the proposed changes to the Chicago Street Farmers Market to allow general arts and craft vendors to participate in the market; to continue to allow farmers to participate in the market; to offer more than one food vendor during the event; to change the name of the event to Heritage Park Marketplace; to change the hours of the event to 4:00 pm until 7:00 pm; to appropriate \$1,200 for new signage and to approve an annual \$20.00 business license fee plus any applicable issuance fees for vendors. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0112-RES

14-0211

Resolution Extending Billboard Contract On Hwy. 59 For Visitor Center North

Attachments: [Foley Welcome Center - 3-24-2014](#)

A motion was made by Council Member Rick Blackwell to approve extending the current contract with the Lamars Companies for the HWY 59 billboard advertising Foley's Visitor Center North to cover the months of March 24 through September 7, 2014 for a total cost of \$1,800 which is budgeted. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0113-RES

14-0212

Concessions Stand Improvements

Attachments: [Concessions Stand Project](#)

A motion was made by Council Member Vera Quaites to accept the low quote from MCS Contracting in the amount of \$20,250 for a new vent hood, windows, door repair, and cabinet cut and to appropriate \$1,500 for the purposes of installing additional electrical for the new vent hood for the concession stand at the 5 Plex Sports Field. The motion was seconded by Council Member Charles Ebert III and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, abstained; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, aye. The vote passed by a majority vote.

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

Abstain: 1 - Council Member Hellmich

Enactment No: 14-0114-RES

14-0213

A Resolution To Rescind Resolution 14-0072 Re-appointing R. Francine Hall To The YMCA Parks And Recreation Board

Attachments: [14-0072-RES](#)

A motion was made by Council Member Ralph Hellmich to rescind Resolution 14-0072 Re-appointing R. Francine Hall to the YMCA Parks and Recreation Board. Mrs. Hall was appointed to the YMCA Parks and Recreation Board by Resolution 14-0072 on March 3, 2014 and has since decided not to serve another term. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0115-RES

14-0218

Accept Bid for Foley Centennial Plaza

Attachments: [Bid Results - Centennial Plaza.docx](#)
[Blade Construction Bid Form.pdf](#)
[Sandalwood Development Bid Form.pdf](#)

A motion was made by Council Member Charles Ebert III to accept the bid submitted by Sandalwood Development Inc. in the amount of \$421,345.00 for the construction of Foley Centennial Plaza contingent upon successful results from the felony background check and appropriates funds to Account No. CEN BID (Plaza & Tower Construction); to memorialize \$480.00 to Gulf Coast Newspaper for bid advertisement to Account No. CEN OTH (Construction-Administrative Costs). The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0116-RES

14-0221

Approves amending Resolution 14-0050-RES regarding Maintenance Work on the Peavey Building Roof and HVAC System

Attachments: [14-0050-RES.pdf](#)

A motion was made by Council Member Ralph Hellmich to amend Resolution 14-0050 regarding Maintenance Work on the Peavey Building Roof and HVAC System to reflect the correct account numbers for the transaction between the City of Foley General Fund and the City of Foley Public Facilities Cooperative District. To amend Section 1 to read as follows, "Appropriates a total of \$18,000 to Account No. 01-680-0182 Trans to PFCD-FFM for repairs to the Peavey Building roof in an amount up to \$15,000 and the HVAC unit for the wholesalers office space in an amount up to \$3,000"; to amend Section 2 to read as follows, "Authorizes the transfer of \$18,000 to Account Nos. 41-5900 Trans from General Fund and to Fund 41 PFCD Account No. 41-600-4061 Maintenance Peavey Building for the above stated repairs." The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0117-RES

14-0222

Amending Resolution 14-0051-RES Transferring funds to PFCD for Maintaining Fire Suppression System at the Peavey Building

Attachments: [14-0051-RES.pdf](#)

A motion was made by Council Member Ralph Hellmich to carry over item 14-0222 to the Council Meeting of April 21, 2014. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

14-0223

A resolution setting a public hearing to consider Planning Commission's Initial Zoning for property owned by Michelle Nelson located at 23022 Mifflin Road.

Attachments: [Planning Commission Rec. Michelle Nelson](#)

A motion was made by Council Member Charles Ebert III to set a public hearing for the initial zoning of property owned by Michelle Nelson located at 23022 Mifflin Road to consider Planning Commission's recommendation of R-1A (Residential Single Family). The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0118-RES

14-0224

A resolution setting a public hearing to consider Planning Commission's Initial Zoning for property owned by Kathryn Flanagan located at 23104 Mifflin Road.

Attachments: [Planning Commission Rec. Kathryn Flanagan](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing for the initial zoning of property owned by Kathryn Flanagan located at 23104 Mifflin Road to consider Planning Commission's recommendation of R-1A (Residential Single Family). The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0119-RES

14-0225

A resolution setting a public hearing to consider Planning Commission's Initial Zoning for property owned by Joe & Alice Thomas located at 23008

Mifflin Road.

Attachments: [Planning Commission Rec. Joe Thomas](#)

A motion was made by Council Member Rick Blackwell to set a public hearing for the initial zoning of property owned by Joe & Alice Thomas located at 23008 Mifflin Road to consider Planning Commission's recommendation of R-1A (Residential Single Family). The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0120-RES

14-0226

A resolution setting a public hearing to consider Planning Commission's Initial Zoning for property owned by Albert Pool located at 23148 Mifflin Road.

Attachments: [Planning Commission Rec. Albert Pool](#)

A motion was made by Council Member Charles Ebert III to set a public hearing for the initial zoning of property owned by Albert Pool located at 23148 Mifflin Road to consider Planning Commission's recommendation of R-1A (Residential Single Family). The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0121-RES

14-0229

Glenlakes Realty Co rezoning recommendation from Planning Commission - Set a Public Hearing

Attachments: [20140326002345545.pdf](#)
 [REQUEST FOR REZONE Recommend Letter.pdf](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing for the rezoning of Glenlakes Realty Co. to consider Planning Commission's recommendation of PUD Residential (Planned Unit Development). The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0122-RES

14-0238

A Resolution to Rescind Resolution 14-0003 Accepting Bid for 2014 Tahoes for the Police Department and Rebid for 2015 Models

Attachments: [Resolution 14-0003](#)

A motion was made by Council Member Ralph Hellmich to rescind Resolution 14-0003, which accepted Capital Chevrolet's bid for five (5) 2014 Tahoe 2WD Police Package PPV in the total amount of \$138,668.80. Capital Chevrolet was unable to provide the vehicles; and to grant permission to re-bid a quantity of five (5) 2015 model Tahoes for the Police Department. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0123-RES

14-0239

Declare CDD Items Surplus and Authorize their Disposal

Attachments: [Surplus Log - CDD - March 2014 .pdf](#)

A motion was made by Council Member Ralph Hellmich to declare the attached list of certain CDD items as surplus and to authorize their disposal by the best possible means. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0124-RES

14-0240

Building Maintenance for IT/Recreation Offices

Attachments: [IT Building Maintenance FY14.pdf](#)

A motion was made by Council Member Rick Blackwell to appropriate \$2,392.04 to Account No. 01-620-4020 and \$2,192.04 to Account No. 01-622-4010 for building maintenance expenses for the IT and Recreation Departments and to approve Sun Control to tint the front windows of the building for an amount of \$1,349, the cost of which will be split between the two accounts. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0125-RES

14-0244

Transfer cost of MIFI devices

A motion was made by Council Member Ralph Hellmich to transfer the associated cost of \$80.00 per month for the Health Clinic MIFI devices to the Community Development Department to be used by the Building Inspectors in the field to access the network. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0126-RES

14-0245

Striping Parking Lots at City Hall and Library

Attachments: [Quote - Striping for Library & City Hall](#)

A motion was made by Council Member Vera Quaites to appropriate \$1,850.00 for R&S Paving and Grading, Inc. to stripe the parking lots at the Library and City Hall. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0127-RES

14-0246

Bid Solicitations for Dog Park Grading and Paving and Approve Ad Cost

A motion was made by Council Member Ralph Hellmich to approve the advertising cost in the amount of \$500.00 and to solicit bids for the Dog Park project. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0128-RES

- 14-0247** Rescind Resolution No. 13-0264 Declaring Engineering Vehicle Surplus
- A motion was made by Council Member Charles Ebert III to rescind Resolution 13-0264, which declared the Engineering Department's 1997 Ford Crown Victoria as surplus and authorizing the sale of the same; to approve the transfer of this vehicle from Engineering to General Government IT Division. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.**
- Enactment No: 14-0129-RES
- 14-0248** Purchase of One (1) 2014 Caterpillar 420F Backhoe/Loader through National IPA for the Street Department
- Attachments:** [Thompson Tractor Quote](#)
- A motion was made by Council Member Ralph Hellmich to approve the purchase of one (1) 2014 Caterpillar 420F Backhoe/Loader as budgeted from Thompson Tractor Company in the amount of \$112,927.00. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**
- Enactment No: 14-0130-RES
- 14-0250** Set a public hearing for the Initial Zoning for proposed zoning of properties located along Highway 98 included in the proposed Legislative Annexation
- Attachments:** [INT ZONING RECOMMEND Letter.pdf](#)
[Leg Annex Zoning.pdf](#)
[US 98 zoning recommendation to Council \(2\).pdf](#)
- A motion was made by Council Member Ralph Hellmich to set a public hearing for the proposed initial zoning for the proposed Legislative Annexation along Highway 98 west of the City of Foley's corporate limits and to approve the expenditure for the ads. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**
- Enactment No: 14-0131-RES
- 14-0254** Renewal of Professional Debris Removal Services Contract
- Attachments:** [DRC Emergency Services Contract Renewal](#)
- A motion was made by Council Member Ralph Hellmich to renew the contract with DRC Emergency Services, LLC for professional debris removal services for the final term with the same pricing, terms and conditions of the original contract. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.**
- Enactment No: 14-0132-RES
- 14-0255** Consider ABC license application for Circle K Stores Inc., applicant operating under the trade name Circle K Store for a 050- Retail Beer (OFF

PREMISES ONLY) and 070- Retail Table Wine (OFF PREMISES ONLY) located at 701 South McKenzie Street, Foley, AL. 36535.

Attachments: [Circle K Store ABC Application](#)
 [Circle K Store Map](#)

The Police Department and Fire department recommended moving forward with the license.

A motion was made by Council Member Ralph Hellmich to approve the ABC license application for Circle K Stores, Inc., applicant operating under the trade name Circle K Store for a 050- Retail Beer (OFF PREMISES ONLY) and 070- Retail Table Wine (OFF PREMISES ONLY) located at 701 South McKenzie Street, Foley, AL. 36535. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

14-0256

A RESOLUTION CONTINUING THE APPROVAL OF FINANCING DOCUMENTS BY THE CITY OF FOLEY, ALABAMA AND THE CITY OF FOLEYS PUBLIC FACILITIES COOPERATIVE DISTRICT

Attachments: [Resolution - Foley 2014 Continuance of City Resolution - Farmers Market - 040214](#)

A motion was made by Council Member Ralph Hellmich for the public hearing that was published in the Foley Onlooker on February 14, 2014 setting the public hearing date for March 3, 2014 to be continued to April 7, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0133-RES

14-0261

An Ordinance Declaring a 20' Easement No Longer Needed for Municipal Purposes and Authorizing the Conveyance by Quitclaim Deed to the Owner

A motion was made by Council Member Ralph Hellmich to approve the first reading of an Ordinance declaring a 20' easement no longer needed for Municipal purposes and authorizing the conveyance by quitclaim deed to the owner. The motion was seconded by Council Member Rick Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, abstained. The vote passed by a majority vote.

Aye: 4 - President Trawick, Council Member Quaites, Council Member Hellmich and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

14-0233

Accept Volkert Supplemental Agreement No. 12 to Conduct an Approach Obstruction Study at the Foley Municipal Airport

Attachments: [Volkert Supplemental Agreement #12](#)

A motion was made by Council Member Ebert III to accept Volkert's Supplemental Agreement No.12 to conduct an approach obstruction study at

the Foley Municipal Airport for a total cost of \$11,552.85 that is eligible for 90% FAA and 5% State grant funding and requires a 5% match; to appropriate \$11,552.85 to the Runway Maintenance Account, \$10,397.57 to the FAA Funding Account, \$577.64 to the State Funding Account and approves \$577.64 in City Matching Funds. The motion was seconded by Council Member Quaite and carried by the following vote: Council Member Ralph Hellmich, aye; Council Member Vera Quaite, aye; Council President Wayne Trawick, abstained; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, aye. The vote passed by a majority vote.

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

Abstain: 1 - President Trawick

Enactment No: 14-0134-RES

14-0220

A Resolution Appointing David Vosloh To The YMCA Parks & Recreation Board.

Attachments: [David Vosloh Bio](#)

A motion was made by Council Member Charles Ebert III to appoint David Vosloh to the YMCA Parks and Recreation Board to replace R. Francine Hall, who resigned. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0135-RES

Mayor's Comments

The Mayor had no comments.

Visitor's Comments

Russell Brown of 21280 Doc McDuffie Road addressed the Council with a concern of a curve in the road near his house. Mr. Brown reported that cars frequently miss the curve, come through his wooden fence and come into his yard. He reported that it is getting costly to continually make the repairs to his fence. Council Member Ralph Hellmich asked Mr. Brown if a landscaped berm would work for him if it kept cars from coming into his property and Mr. Brown answered yes, and that he would appreciate a curb, a berm, a fence or another barrier that would keep cars out of his yard. He reported that he has lived at this residences since 2002 and there have been three (3) vehicles come into his yard. He said he has picked up many automobile parts from his yard and put them in the trash. He reported that the last vehicle that came into his yard took out the whole corner of his fence. Council Member Ralph Hellmich asked Council President Wayne Trawick if the City's Engineer Butch Stokes can go to Doc McDuffie Road and see what would be the appropriate solution for this curve. President Trawick agreed. Council Member Charles Ebert III asked if rumble strips in the road at the curve would help. Mr. Brown stated that the rumble strips would not slow people down and most people do not abide by the speed limit signs. Police Chief David Wilson asked Mr. Brown what time of day people tend to speed the most and Mr. Brown answered after dark.

Executive Session

Council President Wayne Trawick reported there was a need to go into executive session to discuss the terms under which the City may be willing to offer to sell and/or purchase real property.

The real property discussion exception allows for the City to discuss in an executive session the consideration that it would be willing to offer to sell and/or purchase real property. Under this exception, only those people representing the City's interest can attend the meeting (not the party the City would be dealing with).

A motion was made by Council member Ralph Hellmich to go into executive session. The motion was seconded by Council Member Rick Blackwell.

City Administrator Mike Thompson took the following roll call vote: Council Member Ralph Hellmich, aye; Council Member Vera Quaites, aye; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, aye. The vote was unanimous to go into executive session.

City Administrator Mike Thompson reported that the executive session would last 20-25 minutes and there was no need for Council to reconvene to vote.

Adjourn

A motion was made by Council Member Ralph Hellmich to adjourn the meeting. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

The meeting adjourned at 6:40 p.m.