



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, January 5, 2015

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[14-0913](#)

Public Hearing to consider zoning ordinance amendments regarding wireless telecommunication towers and tall structures.

Council President Wayne Trawick opened the public hearing at 5:30 p.m. to consider zoning ordinance amendments regarding wireless telecommunication towers and tall structures. President Trawick asked for comments from the public. Hearing no comments, he closed the public hearing.

Call to Order

President Trawick called the meeting to order at 5:31 p.m.

Roll Call

All Council Members were present with the exception of Council Member Vera Quaites who was absent due to a family medical emergency. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Chad Christian, LaDonna Hinesley, John Jackson, David Wilson, Joey Darby, Jeff Rouzie, Gregg Knight, Roderick Burkle, Sal Muccio and press representative Jay Sowers (Gulf Coast Media).

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

Absent: 1 - Council Member Vera Quaites

Pledge of Allegiance

Presentation

[15-0015](#)

Proclamation: Declaring January 8, 2015 as the City's 100th Anniversary

Attachments: [Centennial Proclamation.pdf](#)

Mayor Koniar read aloud the proclamation declaring January 8, 2015 as the City's 100th Anniversary. He reported that Thursday, January 8, 2015 at 10:00 a.m. there will be a Centennial Celebration kick off at the bell tower in Heritage Park.

Additions/Removals

A motion was made by Council Member Ralph Hellmich to add item 14-0920 to the agenda and remove item 14-0927 from the agenda. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Approval of Minutes

[15-0004](#) Work Session Minutes of December 15, 2014.

Attachments: [12-15-2014 WS Minutes.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of December 15, 2014. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[14-0925](#) Council Meeting Minutes of December 15, 2014.

Attachments: [12-15-2014 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert III to approve the Council Meeting Minutes of December 15, 2014. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[14-0928](#) 12-16-2014 Special Called Council Meeting Minutes

Attachments: [12-16-2014 Special Called Council Meeting Minutes.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Special Called Council Meeting Minutes of December 16, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Ordinances, Resolutions, and other Business

[14-0872](#) Zoning Ordinance amendments regarding wireless telecommunication towers and tall structures

Attachments: [Cell Tower Zoning Amendments.pdf](#)
[ZONING ORD RECOMMEND TEMPLATE.pdf](#)

A motion was made by Council Member Charles Ebert III to amend the zoning ordinance regarding wireless telecommunication towers and tall structures. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-1000-ORD

[14-0916](#)

REQUEST TO USE MAX GRIFFIN PARK BY THE WOMEN'S CARE MEDICAL CENTER FOR THEIR ANNUAL WALK-A-THON

Attachments: [2015 Walk-a-Thon.pdf](#)

A motion was made by Council Member Ralph Hellmich to waive the fees for the use of Heritage Park and Pavilion requested by the Women's Care Medical Center for their fundraiser on March 14, 2015 from 8:00 a.m. until 10:00 a.m. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2000-RES

[14-0926](#)

Residential Sanitation Write Offs as Uncollectible in the Amount of \$133.83

Attachments: [Sanitation Write Offs](#)

A motion was made by Council Member Charles Ebert III to write off certain City of Foley residential sanitation accounts in the collective amount of \$133.83. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2001-RES

[14-0927](#)

A Resolution reappointing Joe Cabaniss to the Board of Adjustments and Appeals.

Attachments: [BAA Members](#)

A motion was made by Council Member Ralph Hellmich to remove this item from the agenda. Mr. Cabaniss is unable to serve on the board due to traveling. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

[15-0002](#)

Resolution declaring the annexation of various islands by Legislative annexation is for the public health and good.

Attachments: [LegAnnex2015 \(1\).pdf](#)

A motion was made by Council Member Ralph Hellmich to declare the annexation of various islands by Legislative annexation is for the public health and good. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2002-RES

[15-0003](#)

Amending the Pay Classification Plan to Accommodate Police Department Restructure

Attachments: [Maintenance Letter Foley Police Captains 12-23-14 \(2\).pdf](#)

A motion was made by Council Member Rick Blackwell to authorize an amendment to the Pay Classification Plan to delete the Police Department Deputy Chief position effective pay period beginning April 7, 2015; to authorize an amendment to the Pay Classification plan to delete the Commander/Support Services Division position effective January 27, 2015; to authorize an amendment to the Pay Classification Plan to add one new position of Captain/Field Operations and to authorize promoting an existing employee into this position effective pay period beginning January 27, 2015; to authorize an amendment to the Pay Classification Plan to add one new position of Captain/Special Operations and to authorize promoting an existing employee into this position effective pay period beginning January 27, 2015; to authorize a lateral transfer for an existing employee from Commander/Support Services to the vacant Commander/Administration Division position effective pay period beginning January 27, 2015; to authorize a lateral transfer for an existing employee from Commander/Administration Division to the vacant Commander/Criminal Investigations Division position effective pay period beginning January 27, 2015; to authorize a promotion for an existing employee from Sergeant/Patrol to the vacant Commander/Patrol Division position effective pay period beginning January 27, 2015 and to authorize a promotion for an existing employee from Corporal/Detective to the vacant Sergeant/Patrol position effective pay period beginning January 27, 2015. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2003-RES

[15-0005](#)

Zoning Ordinance Amendment - Billboard Conversion to Single Sign Face

Attachments: [Double Stack Fill Billboard Ordinance for Council.docx](#)
 [Zoning Ord Amend Recommendation Letter.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of a zoning ordinance amendment permitting legal nonconforming billboards that have two sign faces aimed in the same direction of travel and stacked one on top of the other to be converted into one single billboard sign face under certain circumstances, terms, requirements and conditions. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[15-0006](#)

Purchase of Multifunction Wide Format Printer/Scanner/Copier

Attachments: [CDWG Multifunction Printer](#)
 [National IPA.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the purchase of a wide format multifunction printer/scanner/copier in an amount up to \$13,000.00 for the Engineering Department from CDWG under National IPA contract which is budgeted and is eligible to be reimbursed from the 2014 GO Warrant proceeds. The motion was seconded by Council Member Rick

Blackwell and carried by an unanimous vote.

Enactment No: 15-2004-RES

[15-0008](#)

Approval of the Foley Library Military Equipment Show

A motion was made by Council Member Charles Ebert III to approve the establishment of a Military Equipment Show for the third weekend in April to be held at the Foley Public Library; to allow the Foley Public Library to block off the south parking to provide for display space and pedestrian traffic only. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2005-RES

[15-0009](#)

Agreement for the Cooperative Maintenance of Public Right of Way with ALDOT for Pedestrian Bridge

Attachments: [Maintenance Agreement Form MB-06A](#)

A motion was made by Council Member Ralph Hellmich to accept and acknowledge the agreement for the Cooperative Maintenance of Public Right of Way with ALDOT for the Pedestrian Bridge under TIGER Phase III grant project. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2006-RES

[15-0010](#)

John Deere 1575 TerrainCut and John Deere Mower Deck

Attachments: [John Deere 1575 TerrainCut](#)

A motion was made by Council Member Rick Blackwell to approve the purchase of a John Deere 1575 Terrain Cut with Comfort Cab Commercial Front Mower from Deere and Company for the Street Department in the amount of \$28,020.25, which is budgeted at \$35,000; to approve the purchase of a John Deere Mower Deck 72"RD 1500 FM NA from Deere and Company in the amount of \$3,527.26, which is budgeted at \$4,000. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2007-RES

[15-0012](#)

Resolution Modifying Personnel System Policy (PSP)

Attachments: [PSP 2015 Update Draft 01-05-15.pdf](#)
 [Summary of Changes to Personnel System Policy 01-05-15.pdf](#)

A motion was made by Council Member Ralph Hellmich to adopt the modified Personnel System Policy (PSP), which is attached as back up to the minutes. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 15-2008-RES

[15-0013](#)

A resolution setting a public hearing to consider a zoning ordinance amendment to permit legal nonconforming billboards that have two sign

faces aimed in the same direction of travel and stacked one on top of the other to be converted into one single billboard sign face under certain circumstances, terms, requirements and conditions

A motion was made by Council Member Charles Ebert III to set a public hearing to consider a zoning ordinance amendment to permit legal nonconforming billboards that have two sign faces aimed in the same direction of travel and stacked one on top of the other to be converted into one single billboard sign face under certain circumstances, terms, requirements and conditions. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2009-RES

[15-0014](#)

Consider YMCA's request to use \$2500 for a one time New Year's bonus for the Y's employees

Attachments: [YMCA REQUEST.pdf](#)
[John McClure Snook Family YMCA Performance Contract.pdf](#)

A motion was made by Council Member Charles Ebert III to approve amending the Performance Contract with the Snook Family YMCA to include the use of \$2,500, from the funds previously paid under the Performance Contract dated September 1, 2014, for the purpose of a one time New Year's bonus for their employees. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2010-RES

[14-0920](#)

Case 588H Forklift

Attachments: [1 SOURCE POWER & EQUIPMENT .pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the purchase of a 588H Case forklift in the amount of \$63,193.00 from 1 Source Power Equipment on NJPA for the Maintenance Department. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2012-RES

Mayor's Comments

No comments to report.

Visitor's Comments

No comments to report.

Executive Session

President Trawick reported the need for Council to go into executive session to discuss the consideration the City would be willing to offer to purchase real

property and to discuss the consideration the City would be willing to offer certain real property for sale.

City Administrator Mike Thompson reported the executive session will last approximately forty (40) minutes and Council will return to take a vote.

A motion was made by Council Member Hellmich to go into Executive Session. The motion was seconded by Council Member Ebert III. City Administrator Mike Thompson took the following roll call vote: Council Member Hellmich, aye; President Trawick, aye; Council Member Blackwell, aye and Council Member Ebert III, aye. Of those present, the vote was unanimous to go into executive session.

The Council meeting recessed at 5:45 p.m.

The Council meeting reconvened at 6:37 p.m.

All Council Members were present with the exception of Council Member Quaites. Also present: Mayor Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Joey Darby and Roderick Burkle.

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

15-0017

A resolution authorizing the Mayor to negotiate hotel pad consent agreements with the lenders.

A motion was made by Council Member Ralph Hellmich to grant the Mayor the authorization to negotiate, execute and deliver the lenders' consents in conjunction with the options provided in the Master Development Agreement and to authorize any necessary changes to reflect the option on Hotel Site B being revised to nine (9) months. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2011-RES

Adjourn

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

The meeting adjourned at 6:39 p.m.