



Meeting Minutes - Draft

City Council

Tuesday, September 6, 2016

3:30 PM

Conference Room

Work Session

Call to Order

Council President Wayne Trawick called the Work Session to order at 3:30 p.m.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, Sandra Pate, Katy Taylor, Vickey Southern, Darryl Clevenger, Miriam Boutwell, Chad Christian, John Jackson, Helen Lambert, Kathleen Roberts, Darrell Russell, Jeff Rouzie, Teresa Neese, Mike McGowin, David Wilson, David Thompson, Sue Steigerwald, LaDonna Hinesley, Meg Hellmich, Don Staley, Robert Turner, Joe Bouzan, Miranda Bell, Virginia Baroco, Henry Baroco, Robert Wilters, David White, Donna Watts, Frances Holk-Jones and press representative Allison Woodham (Onlooker).

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

[16-0489](#)

Discuss speed limit on Wolf Bay Drive.

Attachments: [Wolf Bay Drive](#)

Kathleen Roberts, who resides at 8741 Bay View Drive reported she would like to ask that the speed limit on the straight stretch of road on Wolf Bay Drive from the curve at the Interpretive Center to the first entrance into Graham Creek Estates be raised from 35 mph to 45 mph. She reported she took an informal survey of the residents in that area and 10 to 1 of the residents were in favor of the 45 mph speed limit.

President Trawick reported Council was petitioned by residents in the area to lower the speed limit to 35 mph and that is why the speed was originally lowered from 45mph to 35 mph. Mayor Koniar reported the residents in the area were concerned about people speeding on that road and that is why they requested for it to be lowered. Councilman Hellmich reported the residents with the most concern were those that have to back out of their driveways onto County Road 12. The particular stretch of road in question currently has no houses along that portion of the road.

City Engineer Chad Christian reported the Planning Commission recently approved a subdivision of 300-400 houses to be built on that stretch of road. He also reported with the opening of the Interpretive Center, there will be large events taking place there and there have been bike lanes installed and with all this combined with the original request to lower the speed limit, it may be best to keep the speed limit at 35 mph.

A resident asked if there were traffic accidents on that road because to his knowledge, there has not been. Police Chief Wilson reported that he can not recall any accidents; however, the request was made to lower the speed limit for safety reasons and he believes for safety reasons, the speed limit should remain at 35 mph because people speed on that road up to 60 mph.

A resident reported when the Archery Tournament took place, Police put up a temporary speed limit sign lowering the speed limit to 35 mph and that worked out well for the event. Until houses are built in the area, it makes no sense to have a 35 mph speed limit there and once houses are built, the speed limit can be lowered back down.

After more discussion, there was a consensus to move this item to the Council agenda for a vote to raise the speed limit to 45 mph.

Enactment No: 16-1246-RES

16-0515

A resolution to rename Aaronville Pool Park

Attachments: [Florence Mathis](#)

Council Member Vera Quaites reported her district would like to name the Aaronville Pool Park after a school teacher and principal, Florence B. Mathis. Miss Mathis taught school in Aaronville from the 1940's until the 1960's and made great contributions to the community.

President Trawick reported it would be best to advertise in the newspaper that Council is considering the name change to make people aware of it.

Mr. Thompson asked Marketing Director LaDonna Hinesley to write a biography article for the newspaper about Miss Mathis.

There was a consensus to add this item to the September 19, 2016 Council Agenda.

Discuss Council Meeting Agenda of September 6, 2016

16-0458 AN ORDINANCE ADOPTING THE 2012 INTERNATIONAL BUILDING (ICC) CODES AND SUPPLEMENTAL PROVISIONS TO UPGRADE THE VARIOUS CODES RELATING TO THE INSPECTION ACTIVITIES OF THE CITY OF FOLEY AND ENFORCEMENT OF THE BUILDING PROVISIONS AND FIRE SAFETY AS PROVIDED IN SAID CODES - This item remained on the Council Agenda.

16-0468 Accepting Costs for Weed Abatement at the Vacant Lot West of 421 7th Avenue and Authorizing a Copy be Sent to the Baldwin County Tax Collector - This item remained on the Council Agenda.

16-0469 AUTHORIZING AND CONSENTING TO THE TRANSFER OF MAINTENANCE OF CERTAIN PORTIONS OF COUNTY ROAD 12 S TO THE CITY OF FOLEY - This item remained on the Council Agenda.

16-0470 AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,500,000 OF GENERAL OBLIGATION WARRANTS, SERIES 2016 - This item remained on the Council Agenda.

16-0471 ABC License - 140 Special Events Retail for South Baldwin Chamber of Commerce's 2016 Festival of Flavor - This item remained on the Council Agenda.

16-0473 Residential Sanitation Write Offs in the amount of \$203.65 as Uncollectible - This item remained on the Council Agenda.

16-0476 Amendment of Resolution 15-2112 A resolution to amend Resolution 14-0537 a resolution to create a Sports Commission Advisory Board - This item remained on the Council Agenda.

16-0480 American Legion's request to continue their turkey shoot - This item remained on the Council Agenda.

16-0481 Consider resolution to waive the Board of Adjustments and Appeals Application fees for Calvary Chapel Fellowship of Foley Church - President Trawick asked if it was possible to create an ordinance to cover this type of request from churches so that they will not have to individually come before Council. City Planner Miriam Boutwell reported she will work with the City Clerk's office to work on an ordinance. President Trawick reported that if it becomes too cumbersome, the churches will have to continue making each request. This item remained on the Council Agenda.

16-0482 A Resolution Authorizing Council, pursuant to Amendment No. 750 to the Constitution of Alabama of 1901, as amended, and Section 11-47-20 of the Code of Alabama 1975, to convey certain real estate for an Economic Development Project - There was a consensus to remove this item from the Council Agenda. It will be brought back before Council once it is ready to move forward.

16-0483 Authorizing Advertising for Concession Vendors for Foley Sports Tourism - There was a consensus to remove this item. It will be placed on the September 19, 2016 Work Session Agenda as a discussion item only.

16-0484 Resolution to approve the replacement of wire mesh rail coverings at the model train exhibit - This item remained on the Council Agenda.

16-0485 Approval For the Dia de la Raza Festival to be held Sunday, October 23, 2016 at the Foley Heritage Park - This item remained on the Council Agenda.

16-0486 Declare city assets as surplus and authorize sale of assets through auction - This item remained on the Council Agenda.

16-0488 A Resolution To Accept USDA's Rural Business Development Grant award of \$124,895 - This item pertains to ice machines. Councilman Ebert

asked since this equipment will be leased out, who will be responsible for the maintenance. Mr. Rouzie reported there are two components, one of which is the ice machine and the City will be responsible for the maintenance. The other component is the concession trailer that will be leased and the entity leasing the concession trailer will be responsible for the maintenance. Councilman Hellmich reported that the lease agreement will state who is responsible. Councilman Ebert reported it would be best to have protection for the City in the lease agreements for the ice machine as well because refrigeration and freezing equipment issues can become very expensive. President Trawick asked what the length will be for the lease of the ice machine. Mr. Rouzie reported it is a year to year operation agreement. The City was awarded the grant; the City will lease the equipment to CAFFM and then CAFFM will have an operating agreement with Big Mike's Ice. Mr. Thompson asked if the operating agreement will include maintenance on the equipment. Mr. Rouzie reported he will talk to Big Mike's Ice to negotiate the maintenance. He also reported there is a warranty on the equipment but it is unknown at this time what the warranty is exactly. President Trawick asked if the equipment will be covered under the City's insurance. Mr. Thompson reported that the Finance Department has a resolution on the Council agenda requesting that the City pay a lease payment to the Cooperative District for the sports facility fields because since the City is leasing it, it will come under the City's insurance. The concession trailer will be sitting on property that the City will be leasing from the Cooperative District. Mr. Rouzie reported the Cooperative District will be included and the City Attorney has language regarding this to be in the lease agreement. Mr. Rouzie also suggested that the Cooperative District grant an easement for the location of the trailer. This item remained on the Council Agenda.

16-0490 Approval to waive fees for FAVOR Coastal Alabama to use Heritage Park on Saturday, September 17, 2016 from 8:00 am until 11:00 am for their 2016 Recovery Walk - This item remained on the Council Agenda.

16-0491 Authorizing and consenting to the transfer of maintenance of the certain portions of Foley Beach Express to the City of Foley - This item remained on the Council Agenda.

16-0492 Abiding Love Fellowship's Snow Cones in the Park - This item remained on the Council Agenda.

16-0499 A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 705 E JEFFERSON AVE - This item remained on the Council Agenda.

16-0500 A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 500 SOUTH HICKORY ST - This item remained on the Council Agenda.

16-0502 A resolution Adopting Fiscal Year 2017 Budgets -This item remained on the Council Agenda.

16-0503 AN ORDINANCE ESTABLISHING A NEW TAX ON CERTAIN MOTOR FUEL DELIVERIES MADE IN THE CORPORATE LIMITS AND POLICE JURISDICTION OF THE CITY OF FOLEY - President Trawick reported that years ago, City Council declined to impose a tax on gas stations in the City in the hopes that the area would be more competitive than the surrounding areas but

it has not happened. The tax will offset the continuing cost of road maintenance and paving. This item remained on the Council Agenda.

16-0505 Authorizing Certain Accounts to be Written off as Uncollectable - This item remained on the Council Agenda.

16-0506 Accept LSTA (Library Services and Technology Act) Grant - Library Director John Jackson reported the Library has been awarded a \$25,000 Library Services Technology Act grant, which has a \$5,000 match that is budgeted. This item remained on the Council Agenda.

16-0507 A Resolution Authorizing City of Foley Firearms Policy - Sandra Pate reported staff has been working with City Attorney Casey Pipes to develop a policy on firearms. The policy will not change the existing policy but the City did not have any specifics stated. This policy will align the City with the State laws governing firearms and it is very similar to what the County has in place. This item remained on the Council Agenda.

16-0508 A Resolution Authorizing Regions Insurance, Inc. as the City's Advisor for Risk Management and Consulting Services on Workers Compensation - Sandra Pate report Regions Insurance Inc. will help with Worker's Compensation claims by providing training for supervisors; to help analyze data to recognize where safety concerns are so the City can target those areas with more training and to spot Workers Compensation fraud. Regions Insurance, Inc. will provide all the training needed which can award the City with significant discounts on premium rates with the Workers Compensation carrier. This item remained on the Council Agenda.

16-0509 Facade Improvement Incentive Grant Charles Ebert III - This item remained on the Council Agenda.

16-0510 Budget Transfer for Sports Tourism Shade Structure at Multi-Use Complex - This item remained on the Council Agenda.

16-0511 Acceptance of Federal and State Grant Offer for Phase 2 of the Airport Drainage Project - This item remained on the Council Agenda.

16-0514 Approval for Alabama Festival of Flavor advertisement banner placement - This item remained on the Council Agenda.

16-0522 APPROVAL TO MOVE FORWARD WITH SALE OF PROPERTY FOR HOSPITALITY PROJECT - Councilman asked that Council consider this item very carefully. He reported the City needs the area around the Farmer's Market and the current proposal will land lock the Farmer's Market. He reported he is in favor of selling some of the property to BHavis, LLC. He is comfortable with selling Lot 4 and the five acres in Lot 5 but he is not comfortable with the proposed layout of Lot 3. He further reported he does not see any guarantee that BHavis, LLC will start construction within a certain timeline or be completed by a certain timeline or suffer any consequences if they fail to do so. He has not seen any land appraisals and he is concerned about how it is currently written and he is opposed to moving forward with the sale as it is currently proposed. Mr. Rouzie reported BHavis, LLC is wanting to move forward with Lots 3 and 4 first. They are committed to build a 104 room La Quinta Inn on the property they own. They want to build two hotels. The

proposed hotel on the Farmer's Market property will hopefully be a Hilton brand. If BHavis, LLC does not develop the property within 36 months the City can buy back the property at the same price. Lot 5 consists of approximately 10 acres and they have a signed letter of intent with Kindred Health Care Systems for the property on the western side of Lot 5 consisting of approximately 4.5 acres. The proposed pickleball courts are on CAFFM property and will not be sold to the developer. No CAFFM owned property will be sold. Mr. Thompson reported the only way the pickleball courts could be an option is if the bonding came into play. Mr. Rouzie reported the property needs to be rezoned to a PDD and the process needs to start soon. Ms. Boutwell reported it is currently zoned B1A . Councilman Ebert reported the plans for the proposed green space needs to be in writing, it can not remain open ended. Sue Steigerwald reminded Council the proposed green space is located on CAFFM property, not City property so it is not considered public property. This item remained on the Council Agenda.

Mayor's Comments

No comments to report.

Visitor's Comments

No comments to report.

Adjourn

Hearing no further comments, the Work Session adjourned at 5:13 p.m.