



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, September 15, 2014

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[14-0521](#) Public Hearing To Consider The Revocation Of A Business License

Attachments: [Fireworksfactsheet \(1\).pdf](#)
[2013FireworksReport.pdf](#)

Council President Wayne Trawick called the public hearing to order at 5:32 p.m. to consider the revocation of a business license. He asked for comments from the public. Hearing no comments, he closed the public hearing.

[14-0653](#) Public Hearing To Be A Public Nuisance And Order Its Abatement at 1817 Candlestick Court.

President Trawick opened the public hearing to consider weeds to be a public nuisance and order its abatement at 1817 Candlestick Court East. He asked for comments from the public. President Trawick reported that there was an advertisement error for the weed abatement and the process must start over. Hearing no comments, he closed the public hearing.

Call to Order

President Trawick Called the meeting to order at 5:34 p.m.

Roll Call

All Council Members were present. Mayor John Koniar was absent due to being out of town. Also present: City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, David Wilson, Joey Darby, Dan Hellmich, Meg Hellmich, Miriam Boutwell, Melissa Ringler, Chad Christian, Richard Childress, Dewannah Childress, Suzy Toronto, Sherri Williamson, Chris Patterson, Angie Schumachar, Marita Johnson, Stewart Johnson, Karen

Brown, Sal Muccio, Mike Cornby, Celest Greer, Tommy Greer, Fran Shults, Neal Shults, Millie Pitts, Doug Corley, Narrisa Nelson, Guy Busby 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

[14-0663](#)

Proclamation: Ovarian Cancer Awareness Month

Attachments: [Ovarian Cancer Proclamation](#)

Council Member Charles Ebert III presented the Ovarian Cancer Awareness Month Proclamation to Suzy Toronto. Ms. Toronto reported that she is grateful to the Mayor, City Council and the City of Foley for acknowledging Ovarian Cancer Awareness Month. She reported that ovarian cancer is a silent killer, second only to heart disease, among women. She reported symptoms of ovarian cancer mimic other signs and symptoms of common female ailments such as bloating, not feeling well and indigestion. Early detection can be accomplished by a simple test called the CA125. Insurance companies will often not pay for the test but women are encouraged to ask for this test even if they have to pay for the cost themselves, which is \$89.00. The Wonderful Wacky Women on the Gulf Coast have been working hard to get the ovarian cancer awareness out into the public for over 5 years. The Flora Bama will be sponsoring a silent auction and a party called Too Toos, Tootsies and Tiaras to raise awareness on Wednesday, September 17, 2014 at 5:30 p.m.

Additions/Removals

A motion was made by Council Member Ralph Hellmich to add item 14-0686 to the Council agenda and to remove items 14-0648 and 14-0652 from the Council agenda. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Approval of Minutes

[14-0677](#)

Approve Corrected Council Meeting Minutes of August 4, 2014.

Attachments: [Corrected Council Minutes of August 4, 2014.](#)

A motion was made by Council Member Ralph Hellmich to approve the corrected August 4, 2014 Council Meeting Minutes. The minutes originally stated that the public hearing to consider the revocation of a business license will be held on September 2, 2014 and should have read that the public hearing

will be held on September 15, 2014. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

[14-0662](#)

Work Session Minutes of September 2, 2014

Attachments: [09-02-2014 Work Session Minutes Draft.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of September 2, 2014. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[14-0660](#)

Council Meeting Minutes of September 2, 2014

Attachments: [Council Meeting Minutes of September 2, 2014](#)

A motion was made by Council Member Ralph Hellmich to approve the Council Meeting Minutes of September 2, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Audit of the Accounts

[14-0687](#)

Audit The Accounts of August, 2014.

A motion was made by Council Member Charles Ebert III to approve the accounts of August, 2014 for payment. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Reports

[14-0681](#)

August 2014 Sales, Lodging and Rental Tax Reports

Attachments: [Tax Report](#)

City Administrator Mike Thompson reported the July sales and lodging taxes that were collected in the month of August continue with a strong trend that has been present all year. Sales tax revenue is now at 5.9% above last year's year-to-date figures. Lodging tax revenue is approximately 96% above last year's year-to-date figures. Rental tax has been down for the past two months but it is still above last year's run rate by approximately 2.8 %.

[14-0661](#)

August CDD Report

Attachments: [August CDD Report for Council.pdf](#)

City Planner Miriam Boutwell gave a synopsis of the August, 2014 CDD Report,

which is attached as backup to the minutes.

[14-0682](#)

Fire Department Monthly Report August 2014

Attachments: [Council August 14 9-14](#)

Fire Chief Joey Darby gave a synopsis of the August, 2014 Fire Department Report, which is attached as backup to the minutes. He also reported there were three structure fires, one of which was in Ashford Park at a single family residence. The fire was started by a juvenile fire setter experimenting with fire. A neighbor extinguished the fire. The Fire Department investigated and removed the smoke. There were no adults present in the home at the time of the fire. There were no injuries and the family was not displaced. There was a structure fire on River Road in the Planning Jurisdiction caused by a piece of equipment that shorted out inside a residence. The fire was extinguished upon arrival but was investigated. The residents were not displaced. There was a kitchen fire on East Michigan Avenue. The fire was mostly out upon arrival and the Department fully extinguished the fire. The residents were not displaced.

[14-0679](#)

August 2014 Foley PD Monthly Report

Attachments: [20140909143456553](#)

Foley Police Chief David Wilson gave a synopsis of the August, 2014 Police Department Report, which is attached as backup to the minutes.

Ordinances, Resolutions, and Other Business

[14-0604](#)

A resolution to approve the revocation of a business license.

Attachments: [2013FireworksReport](#)
[Fire Code DOC018](#)
[Fireworksfactsheet \(1\)](#)

A motion was made by Council Member Ralph Hellmich to approve the revocation of the business license of South Alabama Rage, D/B/A TNT Fireworks Stand located at 8350 Highway 59 Foley, Alabama. The business license was issued erroneously to sell fireworks in the Planning Jurisdiction of the City of Foley, which is a violation of the City of Foley's ordinance. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0384-RES

[14-0643](#)

Memorialize Purchase of Equipment - Transfer of Funds

Attachments: [PD TRANSFER OF FUNDS HUMMER.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the transfer of \$2,901.20 from Vehicle Maintenance Account to Capital Purchase Account for equipment purchased for the Police Department's Hummer. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0385-RES

[14-0647](#)

Request to host Creek Crawl Obstacle Race

Attachments: [Creek Crawl Flyer 2014](#)

A motion was made by Council Member Charles Ebert III to approve the Creek Crawl event at Graham Creek Nature Preserve on October 4, 2014 and to approve contracting with Villagio's to cater the event providing one alcoholic beverage per pre-registered racer over 21 years of age through their alcohol license. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0386-RES

[14-0648](#)

A RESOLUTION SETTING A PUBLIC HEARING
DECLARING WEEDS TO BE A PUBLIC NUISANCE
AND ORDERING ITS ABATEMENT AT 1911 S CEDAR ST

Attachments: [1911 S Cedar St Grass. Photos](#)

A motion was made by Council Member Ralph Hellmich to remove this item from the Council agenda. The property has been abated by the owner. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

[14-0649](#)

Request a resolution in support of the Create a Clean Water Future Campaign

Attachments: [CWF Membership Agreement](#)

[CWF PocketGuide](#)

[Use Examples Presentation CWF](#)

A motion was made by Council Member Ralph Hellmich to adopt the Create A Clean Water Future Campaign and to authorize the Environmental Manager to execute the Campaign Membership Agreement. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0387-RES

[14-0650](#)

Request Funding and Permission to Solicit Bids for Improvements to Philomene Holmes Road

Attachments: [Philomene Holmes Estimate](#)

[Sawgrass survey proposal](#)

A motion was made by Council Member Ralph Hellmich to appropriate funding up to \$350,000 for the survey, drainage, base materials and paving and grading of Philomene Holmes Road; to approve the solicitation of bids for the asphalt layer, asphalt surface and striping from Roscoe Road intersection to the Graham Creek Nature Preserve property line; to approve the purchase of drainage and base material from vendors that are under City or State Bid Award and to approve a proposal for survey from Sawgrass Consulting in the amount of \$2,500. The motion was seconded by Council Member Vera Quaites

and carried by an unanimous vote.

Enactment No: 14-0388-RES

[14-0652](#)

Resolution authorizing employees to enter upon the property at 1817 Candlestick Court for the purpose of abating the public nuisance.

Attachments: [1817 Candlestick CT.](#)

A motion was made by Council Member Ralph Hellmich to remove this item from the Council agenda. There was an advertisement error for the weed abatement and the process must start over. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

[14-0655](#)

Tire Sensor Tool for Maintenance Department's Scan Tool System

Attachments: [QuoteTireSensor 8 19 14](#)

A motion was made by Council Member Charles Ebert III to approve the purchase of a Tire Sensor System Tool from Snap-On Industrial in Crystal Lake, IL, in the amount of \$1,341.22 to complete the Scan Tool System that is budgeted. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0389-RES

[14-0656](#)

AMENDING THE CITY OF FOLEY ZONING ORDINANCE

Attachments: [DRAFT AMENDMENT TO ZONING ORDINANCE for Legistar - Copy.doc](#)
[Recommendation Letter.pdf](#)
[Zoning Ordinance Amendments.pdf](#)
[FBEOD.pdf](#)
[FBE overlay 7 30 14.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance amending the City of Foley Zoning Ordinance. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-1026-ORD

[14-0659](#)

Ashford Park/Hampton Park Drainage Project Update and Environmental Impact Evaluation

Attachments: [Volkert Proposal](#)

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

A motion was made by Council Member Ebert III to approve Volkert, Inc.'s proposal for \$2,000 to evaluate environmental impacts and potential costs for proposed drainage channel improvements in the areas of Ashford Park and Hampton Park subdivisions. The motion was seconded by Council Member Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, 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 Quaites, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 14-0390-RES

[14-0664](#)

Accept Bid For FY13 TIGER Grant No. 15 Letting #1

Attachments: [TIGER Ph. I Bid](#)

A motion was made by Council Member Quaites to accept the bid submitted by Hosea O. Weaver and Sons, Inc. for the construction of Letting #1 of the FY13 Tiger Grant No. 15 project in the amount of \$2,088,941.75, which is 100% reimbursable from the FY13 Tiger funds per the grant agreement. The motion was seconded by Council Member Ebert III and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, 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.

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

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

Abstain: 1 - President Trawick

Enactment No: 14-0391-RES

[14-0665](#)

Authorizing transfer of funds in the amount of \$5,000 from Continuing Education Account #01-620-1205 to Retiree Awards Account #01-620-1230

A motion was made by Council Member Ralph Hellmich to authorize transferring funds in the amount of \$5,000 from Continuing Education Account to Retiree Awards Account. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0392-RES

[14-0666](#)

Authorizing a transfer of funds for HR Office enclosure

Attachments: [MCS Quote for HR Office Enclosure](#)

A motion was made by Council Member Rick Blackwell to authorize transferring funds in the amount of \$500 from Management Training Account to Capital Purchases Account for the construction of an office enclosure in the Human Resources Department. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0393-RES

[14-0667](#)

Accepting the Order of Deannexation from the Judge of Probate

Attachments: [Order of Deannexation](#)
[14-0355 RES.pdf](#)

A motion was made by Council Member Ralph Hellmich to accept the Baldwin County Judge of Probate's Order of Deannexation dated September 2, 2014, thereby deannexing the property owned by Larry Wireman. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0394-RES

[14-0668](#)

THE USE OF ALCOHOL AND SPARKLERS IN THE HERITAGE PARK PAVILION FOR A WEDDING

Attachments: [Lynn wedding 2015.pdf](#)
[Fire Code DOC018.pdf](#)
[Ord. 928-06](#)

A motion was made by Council Member Ralph Hellmich to approve the use of Heritage Park and Pavilion requested by Cecily Lynn and Hristos Potouridis for their wedding/reception on March 14, 2015 from 3:30 PM to 10:30 PM contingent upon the purchase and proof of purchase of wedding liability insurance naming the City of Foley as an additional insured; to reiterate sparklers are not allowed in the City as they are considered fireworks, which are forbidden according to Ordinance 928-06 and to approve the serving of alcohol contingent upon one on duty Foley Police Officer being present during the hours of the event. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0395-RES

[14-0669](#)

AUTHORIZING CERTAIN ACCOUNTS TO BE WRITTEN OFF AS UNCOLLECTABLE

Attachments: [20140908144725131.pdf](#)

A motion was made by Council Member Vera Quaites to write off certain City of Foley commercial sanitation accounts in the collective amount of \$3,157.59. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0396-RES

[14-0670](#)

Resolution Amending Pay Classification Plan for Changes in Street Department Positions at an Annual Savings of Approximately \$13.4k.

A motion was made by Council Member Rick Blackwell to authorize converting the two existing Crew Leader/Equipment Operator III positions in the Pay Classification Plan to one Equipment Operator II position and one Street Maintenance Supervisor position and to authorize the existing employee to remain in the new position title of Street Maintenance Supervisor upon its conversion. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0397-RES

[14-0671](#)

Approves Purchases for Maintaining and Marking Lanes at Pools.

Attachments: [Hammerhead Pool Vac](#)
 [Quote - Pool Vacuum & Rope-Reel System](#)

A motion was made by Council Member Rick Blackwell to approve the purchase of a pool vacuum cleaner and lane rope/reel system in the amount of \$7,966.27 from Aquatic Technology, Inc. for the Recreation Department and to approve this purchase in lieu of the \$8,000 foul ball netting system from the approved list of FY14 Recreation Capital items. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0398-RES

[14-0672](#)

Approve E-J Builders Inc. Change Order #2 for Glenlakes Bike Path Phase II

Attachments: [Contract - Glenlakes Bike Path Phase II.pdf](#)
 [Change Order #2 - Glenlakes Bike Path Phase II](#)

A motion was made by Council Member Hellmich to approve E-J Builders Change Order #2 in the amount of \$1,532.40 for the Glenlakes Bike Path Phase II. The motion was seconded by Council Member 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

Enactment No: 14-0399-RES

[14-0673](#)

Additional funding for PSG Supplies

Attachments: [14-0673 Email](#)

A motion was made by Council Member Rick Blackwell to appropriate an additional \$1,500 for miscellaneous supplies for Project Sky Guardian. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0400-RES

[14-0675](#)

Resolution authorizing use of capital purchase monies to insulate the attic of the Foley Welcome Center

Attachments: [Attic Insulation Quote](#)

A motion was made by Council Member Vera Quaites to approve changing the amount of light fixtures and flood lighting originally budgeted in the amount of \$2,664 to \$1,424 and add attic insulation in the amount of \$1,240 and to accept Sunbelt Insulator's quote in the amount of \$1,240 for attic insulation at the Welcome Center. The motion was seconded by Council Member Charles Ebert

III and carried by an unanimous vote.

Enactment No: 14-0401-RES

14-0680

A Resolution Amending City, Board and District Budgets

Attachments:

[HR - Budget Housekeeping](#)

[CAFFM, Inc - BUDGET FOR ADOPTION pdf](#)

[Centennial Fund Planning Document](#)

[105 PFCD RES APPROVING DISTRICT'S CAFFM FUND BUDGET](#)

A motion was made by Council Member Ralph Hellmich to amend City, Board and District Budgets. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0402-RES

14-0686

Resolution approving an Agreement with ALDOT for Pride Drive Extension and South Juniper Street Improvements

Attachments:

[ALDOT ATRIP AGREEMENT 02-03-31.pdf](#)

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

A motion was made by Council Member Ebert III to approve the agreement with ALDOT for Pride Drive extension and South Juniper improvements. The motion was seconded by Council Member Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, 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.

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

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

Abstain: 1 - President Trawick

Enactment No: 14-0403-RES

Mayor's Comments

None to report.

Visitor's Comments

There were no visitor comments.

President Trawick reported there will be an Annexation by Legislative Act public hearing at 6:30 p.m. following the Council meeting.

Adjourn

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

The meeting adjourned at 6:15 p.m.