



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Draft City Council

---

Monday, September 15, 2014

4:00 PM

Council Chambers

---

### Work Session

#### Call to Order

Council President called the Work Session to order at 4:10 p.m.

#### Roll Call

President Trawick reported Mayor Koniar would not be in attendance tonight as he is in Washington, DC with the Baldwin County and Mobile County Delegation supporting funding for the I-10 Bridge. Council Members Present: Vera Quaites, Ralph Hellmich, Rick Blackwell and Charles Ebert, III. Others Present: City Administrator Mike Thompson, Vickey Southern, Sandra Pate, Thurston Bullock, Steven Smith, David Wilson, Jessica Middleton, Leslie Gahagan, Taylor Davis, Darrell Russell, Chad Christian, Miriam Boutwell, LaDonna Hinesley, Jeff Rouzie, Joey Darby, Marc D. Anderson (Press Register) and Cathy Higgins (The Foley Onlooker).

#### Discussion Items

[14-0658](#)

## Discuss Possible Updates To The Fire Code

Fire Chief Joey Darby reported the City's current Ordinance pertaining to fire works deals with possession of fireworks. The Fire Department does not go out on patrol but they have used this when there is a case of negligence. He researched the International Fire Code, which the City is already under, and there is language that deals with improper storage of fireworks. He recommended that Council adjust the language and delete "...have in possession..." and change it to "improper storage" in accordance with the International Fire Code.

For example, the year before last the Fire Department was alerted to a piece of property adjacent to the unincorporated area where a business owner, who was licensed to sell fireworks, and who was improperly storing large bulk cargo containers containing mass amounts of fireworks. When they investigated they found it to be a huge threat to the City limits area, the residents in that area, and the jurisdictional area of the City of Foley. The owner took care of that problem because they had verbiage in the City's ordinance to allow them to do that.

There may be a problem with possession. For example, if someone is in possession of fireworks and is driving to an area that allows shooting fireworks. The verbiage is very specific in the wording in both residential and commercial settings. The City has a specific fireworks ordinance in addition to the adoption of the International Fire Code. They routinely update the ordinances.

Chief Darby and City Administrator Mike Thompson will work on the revisions and bring it back to Council for their review. The other item is whether or not the Council wants to remove some of the restrictions on sales. Based on Chief Darby's input that is probably not the best solution to consider. The Council can open up the City limits and PJ but there are a lot of reasons the City has it set up they way it is.

Chief Darby reported the most important component is that the City limits and City PJ are so sprawled out. Other cities are more well defined and is easier to deal with but in the City of Foley's case the City has pockets every where. If you allow fireworks be sold in those areas the common resident does not have any idea whether or not those pockets are located inside or outside the City's corporate limits. There is a perception that fireworks are allowed to be sold inside the City's corporate limits. We encourage people to attend regulated public fireworks displays. In the last ten years fireworks have been proven to be the single most dangerous consumer product in the United States. Over the two days of Fourth of July holiday they made four fire incident runs directly related to fireworks. There is a lot of risk involved in those responses.

There was a consensus to change the verbiage on possession and bring it back to Council.

There was a brief discussion regarding the sale of fireworks. Chief Darby reported there are other cases that will hinge on the Council's decision. Someone under a different license on the same property wants to sell

fireworks and do not believe they are in the City's corporate limits or PJ. Mr. Thompson recommend the item on the Council Agenda of the business license be revoked because it was issued in error. The Council could let it go until it expires in December but it would be important to revoke an error.

Narissa Nelson arrived. President Trawick updated her on the Council agreeing to update the Ordinance on possession to match the International Building Code. Discussion proceeded on whether or not the Council will accept the fireworks stands or deny them. They have to address the business license that was issued in error. Narissa stated the State can give them a business license. It seems that the City is losing revenue for a ten day period of time. She did not realize the City had fire protection in the PJ. Mr. Thompson reported the City sent out a notice considering pulling police and fire services. They did not pull the fire services but did pull the police services.

The Council will address the business license at the public hearing.

[14-0676](#)

Consider Appointment to the Planning Commission

**Attachments:** [Charles Marker Bio](#)  
[0009\\_1\\_Parker Johnston 20140510 Web Bio - PCJ \(1\)](#)

President Trawick reported the Mayor has the authority to make this appointment. The Planning Commission is two people short on this Board. This will be moved to the next Council Work Session.

[14-0684](#)

## Hamburg Building Presentation By Skip Davis

Mr. Skip Davis stated farmers are very near and dear to his heart because they were a big part of Foley.

He has been here for 60 years and remembers the truck loads of migrant workers that came in and produced the labor to harvest the crops, i.e. potatoes. In his research he found that there were sixteen (16) shipping sheds. Names like Earl Harrison, John Kaiser, D.W. Rhodes, Jesse Rhodes, William Dryer, A.I. Corte, John Rhodes, Paul Kaiser, Theo Styron, L. Irwin & Sons, Cole D. Brown, H.M. Hamburg and Sons, Bobby Faust (Southland Farms), John Norris, W.H. Hancock Farms, etc.

In Mr. Davis' opinion the City's history breaks down to the four sides of the Clock Tower. For the first 25 years the industry was farming, fishing and forestry. The next side would represent 1941 to 1961 you had the military influence, i.e. Barin Field and the National Guard. Beginning in 1961 Hale Manufacturing, Vulcan Signs, Goodrich was the beginning of the industrial revolution in Foley. Then from 1981 the retail development began with Tanger, and then tourism, athletic events, and ongoing items moving forward.

Of all the 16 sheds that were here in the 50's the only one still left is the H. M. Hamburg and Son. It is uniquely located north of the clock tower on the Rose Trail. It would be a unique place to pay tribute to the farms and farmers and would represent the roots of the City of Foley and Baldwin County. We have the longest growing season. Baldwin County and Foley, Alabama has become famous. The Council has been very good stewards of the income and funds that come into the City. Once the Hamburg store is gone it will be gone forever. He felt it was a good representation of the farming in this community. It is located in the historic district and the building would need a lot of work, and currently money is being spent for future income. He wanted the Council to know that the building was still available and work could be done at a different time when the City had more funds to do the project. He envisions a farming museum displaying where in the past you could go in and purchase potatoes, feed, seed, and baby chicks. He didn't want the City to miss a great opportunity and encouraged them to carefully consider salvaging the building and honor those that were here in the farming industry.

Councilman Ebert thought it would be great as part of the Rose Trail for the master gardeners as they might be able to operate out of that building. With the extension of Fern Avenue that will impact the City's nursery area the City might be able to utilize the back of the Hamburg building that once had greenhouses. Councilman Blackwell asked the size of the lot. Mr. Davis stated he thought it was 150' x 150'.

Mr. Thompson reported if the Council is serious about salvaging the building it needs a lot of restoration and we could probably get someone in to tell them how much it would cost to restore it. The back of the shed the whole floor is laying on the ground. Council Hellmich reported most of the sheds were open air and the Hamburg building was closed in at some point for a business. You might want to turn it into an open air shed.

## Discuss Council Meeting for September 15, 2014

### Additions/Removals

President Trawick reported there was one add-on: file id 14-0686 ATRIP Agreement for Pride Drive Extension.

File ID 14-0652 Public Nuisance 1817 Candlestick Court - This item has to be readvertised.

File ID 14-0648 1911 S. Cedar Street Public Nuisance - This property was abated and no further action is required.

14-0681 August 2014 Sales, Lodging and Rental Tax Reports - Mr. Thompson reported \$1.37 million, which is 7.32% above last year, which was the highest we have ever had for that month's collection. Year to date we are 5.9% above last year, which is again a healthy rate. Rental Tax came in a little bit lower than last year. We are still over year to date. We are 2.78% year to date above last year's rental tax. The past couple of months it has come in below what it ran last year. Lodging Tax has done very well with being the single highest month the City had. Year to date we are almost 100% over last year. Given the increase in the lodging tax revenue if we were flat we would be at 75% so we are running 25% over last year's run rate. It has been an outstanding year. This item remained on the Council meeting agenda.

14-0643 - Memorialize Purchase of Equipment - Transfer of Funds - Chief Wilson reported with the April flood they had 50 people pulled out of flooded vehicles and homes between the Police and Fire Departments. They had a Hummer and some other equipment like that and since then they did some major improvements to the Hummer by adding emergency lighting in the event of a hurricane. This is a housekeeping item. This item remained on the Council meeting agenda.

14-0647 Request to host Creek Crawl Obstacle Race - Leslie Gahagan reported this is their annual fundraiser and Villagios will cater and Budweiser has donated the alcohol that each registered racer will receive if they are over 21. It is the 4th event. This item remained on the Council meeting agenda.

14-0649 Create a Clean Water Future Campaign - Mrs. Gahagan reported many of the cities in Baldwin and Mobile counties are participating and Foley has since its inception. They just need a resolution. This item remained on the Council meeting agenda.

14-0650 Improvements to Philomene Holmes Road - Mrs. Gahagan reported they have bikers coming out on the trail and the road needs to be completed to fulfill the agreement between the Holmes family and the City of Foley. Taylor reported the request is to go to bid on the paving of the road to the Graham Creek Nature Preserve property line. It allows to add additional base and pave the existing road for approximately 4,000 feet of existing road. This item remained on the Council meeting agenda. Mr. Thompson reported Butch Stokes did the original estimates when the price of asphalt was down and anticipates the bid will come in higher than was estimated in the budget. This item remained on the Council meeting agenda.

14-0648 - 1911 S. Cedar Street - Mrs. Southern reported the property was cut this weekend and it needs to be removed from the agenda. This item was

added as a removal on the Council meeting agenda.

14-0652 1817 Candlestick Court - This item needs to be readvertised and was added as a removal on the Council meeting agenda.

14-0655 Tire Sensor Tool for Maintenance Department's Scan Tool System - Chief Darby reported they could use the equipment since they have had to out source some of their work. Ms. Steigerwald reported this is an additional tool for the existing system that was approved previously. This item remained on the Council meeting agenda.

14-0656 Amending the City of Foley Zoning Ordinance - Ms. Boutwell reported the Planning Commission has been working on some of these items for a long time. In B-1A they took the home based business/home occupation out because they are allowed by right in the business zone and they did not need to be under uses permitted on appeal. The B-2 zone did not allow residential by right so that was fixed. B-3 They removed you could come to the Board to have a mobile home park and they did a lot of B-3 along Hwy. 98 and felt that it would not be the right direction for someone doing a mobile home park today. They would need to rezone to a mobile home park zoning for it to go through the Planning Commission and Council. PUD- The Planning Commission wanted to have each phase come back through them and they had to list a public benefit the City received from someone doing a PUD. In the PDD, PID and PUD they tried to find a way to have off-site signage without it being considered a billboard. If they are zoned any of those three zones then they can submit a master signage plan and if they sell off interior parcels they can still have street side advertising on Hwy. 59, and FBE. The Foley Beach Overlay they hit the retail commercial concentration areas that were identified in the Comprehensive Plan and in those areas they wanted to have some aesthetic control with a trade off that they get some relaxations in the zoning ordinance on where they place signage. Councilman Hellmich reported it was a lot of work that Ms. Boutwell summed up and they went to a lot of schools for the PDD and other cities and then by having an initial review the developer can come in with a concept and not spend a lot of money to get the financing and then that is when you get all the details so you don't lose control over the final price. A lot of other cities are doing it this way. This item remained on the Council meeting agenda.

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

14-0659 - Ashford Park/Hampton Park Drainage Project Update - Chad reported they met with the HOA for both groups as well as the Russell's and Teem's. They are amenable to donating the easements required and recommend selecting Volkert to assess the environmental impact to the improvements so that he can come back with a cost for the Council to actually do the work. If the cost is acceptable then Chad will come back for Council to consider the acceptance of the easements. This item remained on the Council meeting agenda.

14-0664 Accept bid for FY13 Tiger Grant No. 15 Letting #1 - Chad reported there were only three bidders and there was only approximately 5% difference. It is a little bit over the engineer's estimate. Taylor reviewed the bids and the only item different was mobilization. It appeared the costs rose and he felt comfortable with accepting the lowest responsible bid. It is possible that the

other two phases could come in lower. The other phases include bridge and pathways. Sue Steigerwald reported she and Suzanne met with Jay at Volkert and this bid letting will be 100% reimbursable under the grant and asked the resolution to reflect that change. The resolution will be amended to reflect the change and will remain on the Council meeting agenda with the amendment.

President Pro-temp turned the meeting back over to President Trawick.

14-0665 Authorizing transfer of funds from Continuing Education to Retiree Awards Account - Sandra reported this is to keep expenses down for the next fiscal year. This item remained on the Council meeting agenda.

14-0666 Authorizing transfer of funds for HR Office enclosure - Sandra reported this would be adding another office space to the HR Department. This item remained on the Council meeting agenda.

14-0668 A resolution to give permission for the use of alcohol and sparklers in the Heritage Park for a wedding event - Mrs. Southern reported the sparklers are not allowed in the Park. Chief Darby reported that sparklers burn at 1200 degrees fahrenheit and most people do not realize it. They are ok with alcohol but Chief Wilson reported they would need one officer. Councilman Ebert reported wedding insurance is very affordable on line and since alcohol will be involved it was recommended they obtain it and name the City as additional insured. This item remained on the Council meeting agenda contingent upon they will hire one officer, no have any sparklers and obtain wedding insurance listing the City as an additional insured.

14-0667 Accepting the Order of Deannexation from the Judge of Probate - President Trawick reported this was an annexation whereby the landowners did not want to come and it was included in the Legislative Act inadvertently. This item remained on the Council meeting agenda.

14-0669 Authorizing certain accounts be written off as uncollectable - Meg reported there is one account they are still pursuing collection on and this cleans up the books at the end of the year.

14-0670 Amending Pay Classification Plan for Changes in Street Department Positions - Dan reported he wants to replace Stanley Barnett's position with an Operator II and Operator I is in the budget for this year. This item remained on the Council meeting agenda.

14-0671 Approves Purchases for Maintaining and Marking Lanes at Pools - David requested he has ball netting in this year's budget and a pool vacuum and rips for the pools in next fiscal year's budget. He wants to flip those items so that he can purchase the pool related items this fiscal year and the nets next fiscal year. The vacuum will help improve clean up of the pools in a shorter amount of time. They would like a rip system for the pools so they will be more prepared for competitions. This item remained on the Council meeting agenda.

14-0672 E-J Builders CO #2 - Chad reported the estimates for sod and mulch was a little short. This item remained on the Council meeting agenda.

14-0673 Additional funds for PSG Supplies - Jessica reported this is for Project

Skye Guardian. This item remained on the Council meeting agenda.

14-0675 Resolution authorizing use of Capital purchase monies to insulate the attic of the Foley Welcome Center - LaDonna reported there was some work done on the roof and the men could see the ceiling tiles. They suggested heating and cooling might be more efficient with insulation. They have existing money that could be moved around for the purchase. This item remained on the Council meeting agenda.

14-0680 Amending City, Board and District Budgets - Sue reported this is a housekeeping item for the end of the year and recognizing funds being committed by some of the Boards and Districts. This item remained on the Council meeting agenda.

Councilman Hellmich reported the City did a Comprehensive Plan in 2008. The City and Planning Commission have used this as a guideline, as well as for Economic Development. He recommended that they appropriate funds to update it this year and asked Miriam to get some RFP's to present to Council. Miriam reported the Comprehensive Plan has been updated since 2008 but it still needs some work done on it. She also noted there no no funds in the FY15 budget for an amendment.

Mike Thompson reported Council authorized the Mayor to negotiate with a firm for a contract to do the Balloon Festival. The Chamber had a meeting today and they voted to bring the Balloon Festival back and the Council needs to readdress how the City wants to handle it. Within the FY15 budget Council approved during the last Council meeting, the City forecasted some revenues and expenses in anticipation that the City would take over the Festival. Now that the Chamber wants to continue the Festival we need to come back to Council to reassess what they want to do with the budget. They can remove some expenses and revenue streams. The Chamber would probably want to have the City sponsor the Festival. He needs to bring to Council a sponsorship agreement and letter of intent of what they will do and what the City will do. The event could probably be moved to a slower season and the Chamber is probably looking at the fall.

Councilwoman Quaites thanked the staff for the beautiful park equipment installed at Beulah Heights Park. The people love it.

## **Mayor's Comments**

There are no comments to report.

## **Visitor's Comments**

There are no comments to report.

## **Adjourn**

Hearing no further comments the meeting adjourned at 5:21 p.m.