



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Draft City Council

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Tuesday, September 8, 2015

5:30 PM

Council Chambers

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### Council Meeting

#### Call to Order

Council President Wayne Trawick called the meeting to order at 5:30 p.m.

#### Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Chad Christian, Tom DeBell, Lisa Miller, Jeff Rouzie, Michael Roney, Deborah Willis, Debra Kline and Richard Parker.

**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

#### Presentation

[15-0506](#)

Presentation: Lisa Miller from The Alabama Municipal Electric Authority (AMEA)

Lisa Miller, representative of the Alabama Municipal Electric Authority presented Mayor John Koniar with the Alabama Community of Excellence award.

#### Additions/Removals

Council Member Ralph Hellmich made a motion to add item 15-0503 to the agenda. Council Member Rick Blackwell seconded the motion and carried by an unanimous vote

#### Approval of the Minutes

[15-0504](#)

08-17-2015 Work Session Minutes

**Attachments:** [08-17-2015 WS Minutes.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of August 17, 2015. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

[15-0505](#)

Council Meeting Minutes of August 17, 2015

**Attachments:** [8-17-2015 Council Meeting Minutes](#)

A motion was made by Council Member Charles Ebert, III to approve the Council Meeting Minutes of August 17, 2015. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

## Ordinances, Resolutions and Other Business

[15-0467](#)

A Resolution to reappoint Monte Clark to the Board of Adjustment and Appeals.

**Attachments:** [BAA Member List](#)  
[Monte Clark-Email](#)

A motion was made by Council Member Ralph Hellmich to reappoint Monte Clark to the Board of Adjustment and Appeals. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2275-RES

[15-0501](#)

ABC License - 140 Special Events Retail for South Baldwin Chamber of Commerce's 2015 Alabama Festival of Flavor

**Attachments:** [2015 Fest of Flavor ABC Application](#)

Fire Chief Joey Darby and Police Captain David White recommended moving forward with the ABC license.

A motion was made by Council Member Ralph Hellmich to approve the ABC License for the South Baldwin Chamber of Commerce's 2015 Alabama Festival of Flavor being held on October 3, 2015. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[15-0507](#)

A resolution to reappoint John Koniar to the Riviera Utilities Board.

**Attachments:** [Utilities Broad Member list](#)  
[Mayor's Email](#)  
[CODE OF AL 1975 SEC 11-50-313.pdf](#)

A motion was made by Council Member Ralph Hellmich to reappoint Mayor John Koniar to the Riviera Utilities Board. The resolution shall be amended to include the verbiage for the term of office running concurrent with the term of office as discussed in Work Session. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2276-RES

[15-0508](#)

Amending Resolution 14-0200 Financial Support for Keith Smith's Foley Football Book

**Attachments:** [14-0200 RES.pdf](#)

**A motion was made by Council Member Charles Ebert, III to approve extending the contract deadline until September 1, 2016 for the Foley Football Book authored by Keith Smith and at this time no refund is required. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 15-2277-RES

[15-0509](#)

This Ordinance is too large to print from Legistar. The Ordinance is attached.

**Attachments:** [Application for Pretrial Intervention and Diversion Program.pdf](#)  
[Ordinance. \(1\).pdf](#)

**A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance approving a Pretrial Intervention and Diversion Program for the Municipal Court. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

[15-0510](#)

Consider Reappointment to the Construction Board of Adjustments and Appeals

**Attachments:** [Construction BAA Member List](#)  
[Email](#)

**A motion was made by Council Member Rick Blackwell to reappoint Jimmy Jurkiewicz to the Construction Board of Adjustments and Appeals. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.**

Enactment No: 15-2278-RES

[15-0516](#)

Resolution Requesting Transfer of Funds in the amount of \$2,000 from the Employee Continuing Education Account to the Management Training Account

**A motion was made by Council Member Ralph Hellmich to authorize the transfer of Funds in the amount of \$2,000 from the Employee Continuing Education Account to the Management Training Account to assist with the costs of the upcoming 2nd Annual Leadership Retreat scheduled for Friday, September 18, 2015. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 15-2279-RES

[15-0522](#)

Set Public Hearing to consider Planning Commission's recommendation for Initial Zoning of R-1B (Residential Single Family) for 1+/- Acre Being Annexed into the Corporate Limits.

**Attachments:**     [Dovie Stephens Initial Zoning](#)

A motion was made by Council Member Rick Blackwell to set a public hearing to consider Planning Commission's recommendation to adopt an ordinance approving the Initial Zoning of R-1B (Residential Single Family) for 1+/- acre being annexed into the Corporate Limits. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 15-2280-RES

[15-0524](#)

Memorializes an agreement with Mobile County Commission and South Alabama Regional Highway Safety Office (SARHSO) for Overtime Grant Funds for 2015 Drive Sober or Get Pulled Over/Labor Day Campaign.

**Attachments:**     [Drive Sober or Get Pulled Over 15-HS-K8-004](#)

A motion was made by Council Member Rick Blackwell to accept the Mobile County Commission's Grant (Drive Sober or Get Pulled Over/Labor Day Campaign) funds in the amount of \$4,000 for the period of August 21, 2015 through September 7, 2015 to be used for traffic enforcement. The City understands there is no match required; to appoint Kelly O'Donnell to serve as the traffic safety coordinator, who will be responsible for submitting required documentation, reports and reimbursement statements to the SARHSO on or before the 7th of the month following the month of performance and to memorialize the expenditure of the grant funds and to amend the FY15 budget accordingly. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2281-RES

[15-0525](#)

Request to Transfer Funds in Nature Parks

A motion was made by Council Member Ralph Hellmich to approve the transfer of \$5,000 from Nature Parks Capital Account to Nature Parks Events Account for the purchase of a wagon from Fairhope Ironworks. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 15-2282-RES

[15-0526](#)

Request to Contract with GeoCon for Construction Materials Testing at Graham Creek Interpretive Center

**Attachments:**     [Graham Creek Testing Proposal](#)

A motion was made by Council Member Rick Blackwell to approve GeoCon as the firm to perform the construction materials testing at Graham Creek Interpretive Center. The motion was seconded by Council Member Ralph Hellmich and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; 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: 15-2283-RES

[15-0527](#)

Final Extension of Special Economic Development Grant Agreement between the City and COROC/Riviera, LLC

**Attachments:** [RIVIERA LLC COROC GRANT AGREEMENT.pdf](#)

**A motion was made by Council Member Ralph Hellmich to approve the final extension of the Special Economic Development Grant Agreement with COROC/Riviera, LLC until November 10, 2017. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 15-2284-RES

[15-0529](#)

A Resolution Reappointing Charlie Fisher and appointing Don Auseon to the Senior Citizens Board

**Attachments:** [Senior Citizen Board Member List](#)  
[Pam Harris Email](#)

**A motion was made by Council Member Charles Ebert, III to appoint Don Auseon to fill the vacancy of Bob Graham, who declined to serve another term of office and to reappoint Charlie Fisher to the Senior Citizens Board. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 15-2285-RES

[15-0530](#)

North Pine and West Fern Drainage Improvements Bid Award and Engineering Contract Amendment

**Attachments:** [Letter & Bid Tab - N. Pine & W. Fern Drainage](#)

**A motion was made by Council Member Ralph Hellmich to accept the lowest responsible bid submitted by Baldwin County Construction in the amount of \$294,347.81 for the North Pine Street and West Fern Ave. drainage improvements. Section 2. of the proposed resolution will be deleted until Council can study the documents further. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 15-2286-RES

[15-0531](#)

South Pine Street Lighting

**Attachments:** [Aerial - S. Pine St. Lighting](#)  
[Proposal - S. Pine St. Lighting](#)

**A motion was made by Council Member Ralph Hellmich to approve installing thirteen (13) street lights along South Pine Street in the amount of \$11,023.66 payable to Baldwin EMC. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 15-2287-RES

[15-0532](#)

ACCEPTANCE OF THE FY 14 SAFER GRANT SPONSORED BY THE U.S. DEPARTMENT OF HOMELAND SECURITY

**A motion was made by Council Member Ralph Hellmich to accept the FY 2014 SAFER Grant funds in the amount of \$1,154,421.00 for a two-year period to be used for nine (9) full-time fire fighters; to appoint Fire Chief Joseph Darby to serve as the Grant Manager, who will be responsible for submitting all required reports, reimbursement requests, and other correspondence to the Granting Agency and the City's Grant Administrator and reimbursement statements, contact reports and supporting documentation will be submitted to the Federal Emergency Management Agency. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.**

Enactment No: 15-2288-RES

[15-0534](#)

Accept TBA Grant Opportunity and Authorize Access to Historic Foley Bakery

**Attachments:**     [TBA Access Authorization](#)

**A motion was made by Council Member Ralph Hellmich to accept the FY15 EPA Region 4 Targeted Brownfields Assessment opportunity and to authorize access of EPA Contractors to the Historic Foley Bakery. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.**

Enactment No: 15-2289-RES

[15-0536](#)

Approval of a Performance Contract with Foley Fire Explorers

**A motion was made by Council Member Charles Ebert, III to approve a Performance Contract with the Foley Fire Explores for \$657.14 for the period of September 9, 2015 - September 8, 2016. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.**

Enactment No: 15-2290-RES

[15-0539](#)

A resolution approving a sublease agreement with Woerner AgriBusiness, LLC.

**Attachments:**     [WOERNER ARGIBUSINESS AGREEMENT](#)

**A motion was made by Council Member Rick Blackwell to approve entering into a sublease agreement for the use and occupation of Fields 331 and 335, to be used to host Sports Tourism Department events, beginning on November 1, 2015 and expiring on April 1, 2016 in the amount of \$5,000.00 and to approve the transfer of \$5,000.00 from the Travel & Training Account to Event Operations Account after adoption of the FY2016 Budget in support of this action. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.**

Enactment No: 15-2291-RES

[15-0541](#)

A Resolution Adopting Fiscal Year 2016 Budgets

**Attachments:**    [Procedures for Projects](#)  
[^^Budget Book-with cover & table of contents](#)

A motion was made by Council Member Ralph Hellmich to adopt the Fiscal Year 2016 Budget with the following modifications: \$25,000 facade grant for a total instead of the \$35,000 as initially proposed and \$10,000 for Glenlakes crossing. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 15-2292-RES

### [15-0503](#)

American Legion's request to continue their turkey shoot

A motion was made by Council Member Ralph Hellmich to approve the American Legion annual turkey shoot from September 2015 through April 2016 once a month using shotguns only provided they move the firing line forward according to the location set forth by the Foley Police Chief. The approval is dependent upon the growth surrounding the American Legion and if at any time the growth moves within 200 yards down range of the firing line this approval becomes null and void in order to keep the public safe from harm or danger. At that time the American Legion will either need to select a different location to hold the turkey shoot fundraiser or elect to hold a different fundraiser at its current location. The American Legion will return in September 2016 to request permission for the turkey shoot to be held once a month beginning September 2016 through April 2017. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 15-2293-RES

## Mayor's Comments

There were no comments to report.

## Visitor's Comments

There were no comments to report.

## Executive Session

President Trawick reported there was a need to go into an Executive Session.

City Administrator Mike Thompson reported the Executive Session is to discuss certain aspects of the potential Events Center under the real property and under the trade negotiations exceptions to the Open Meeting Act. The Executive Session will take approximately 10-15 minutes and Council will not return to vote. Councilman Hellmich made a motion to go into Executive Session and Councilman Ebert, III seconded the motion. Mr. Thompson took the following roll call vote: Council Member Quaites, aye; Council Member Hellmich, aye; Council Member Blackwell, aye; Council Member Ebert III, aye and President Trawick, aye. The vote was unanimous to go into Executive Session.

The Council meeting recessed at 5:56 p.m.

**Reconvened**

President Trawick called the meeting to order at 6:07 p.m. All Council Members were present. Also present: City Administrator Mike Thompson and Jeff Rouzie. At this point President Trawick announced there was no further business to conduct.

**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 6:08 p.m.