



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Meeting Minutes - Draft City Council

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Thursday, May 21, 2015

4:00 PM

Conference Room

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### Work Session

#### Call to Order

Council President Wayne Trawick called the Council Work Session to order at 4:00 p.m.

#### Roll Call

All Council members were present. Others present are as follows: Mayor John Koniar, City Administrator Mike Thompson, Vickey Southern, Sandra Pate, Katy Taylor, Steven W. Smith, David Vosloh, Jessica Middleton, Leslie Gahagan, David Wilson, Kate Embry, Chad Christian, Joey Darby, Rachel Keith, David Thompson, and press representatives Jay Soves (Foley Onlooker) and Marc D. Anderson (AL.com/Press Register).

**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

15-0330

A resolution to move the gate on Pecan Street located at the property of John Foley.

President Trawick reported John Foley, III owns property on the east/west and north side of North Pecan Street and requested the gate, which is located just south of the old dairy, be moved south to just north of where his driveway is located. This came about because he also owns a couple of vacant homes on North Pecan Street that people are staying at illegally. John and Trixie have approached them and President Trawick is afraid they might get hurt. Chief Wilson, Chief Darby and City Planner Miriam Boutwell have been contacted about the situation.

Councilman Ebert reported even though it is a public right of way, most of it is unimproved, and John Foley, III is the only landowner that would be affected by the closure. Mr. Foley recommended moving the gate to just north of his driveway entrance so that the 18-wheelers can use the turn around to get back off/on to Pecan Street to get back onto Hwy. 98 and also he has a security system so that he could watch to see what is going on.

President Trawick reported the right of way shows going all the way through to Peachtree. Mayor Koniar reported there is also a gate at West Berry Avenue and N. Juniper Street and the City closed it off because he was having the same problem there. He felt it made sense to grant his request and it would help law enforcement. Chief Wilson reported they have been in there a lot due to the problems and the road invites people to go deep into his property and it goes no where but his property.

Chief Darby met with him and recommended the Fire Department install a Knox box and key for them. They did more research and found that Knox also makes a padlock that would have their secure key and it could be connected to his lock. Riviera Utilities has a lock because they have a lift station. Mr. Foley was very willing to do that and Chief Darby did not have any problem. Just having a gate would help deter problems. After you get past his drive the road is a dirt road. The GPS systems direct truck traffic through N. Pecan Street to W. Peachtree Avenue because it thinks it is a paved cut through street. Chief Darby recommended putting up a larger sign that says "No Outlet". The existing tab is not that visible off Hwy. 98 and a larger sign on Hwy. 98 would help.

Chief Wilson reported the road looks secluded and it is an invitation for unwanted activity. Chief Wilson reported that when people see the gate and signage it will be a deterrent. Councilman Blackwell reported that Mr. Foley boards a lot of horses and the owners will need to be able to come and go to get to their stock. Councilman Ebert reported that they will have to go either east or west through his drive to get to the west side of the property and those located on the east will go through the road before the gate. Chief Darby reported where he is putting the gate he wants to leave a section of fence to the east open and if they are on a tractor or truck there will still be access.

After discussion regarding the road it was determined the City would not be abandoning the right of way, just closing it temporarily from public use. Mr. Thompson recommended the Council approve it contingent upon legal review. If we move the gate southward the City will not be able to maintain that dirt road north of the gate and anything south the City will have to maintain. Mr.

Foley will have to maintain the road and right of way north of the gate, and he agreed he would move the gate. There was a consensus to move forward with a legal review and move forward accordingly.

Enactment No: 15-2180-RES

## Discuss Council Meeting Agenda of May 21, 2015

### Council meeting agenda for May 21, 2015

15-0303 Appropriates funds for Centennial Brick installation - Sandra Pate reported the appropriation in the amount of \$325 is to finish installing the second set of bricks located on the east side of the Plaza. The writing is suppose to last a very long time as the etching was filled with polymer. This item remained on the Council meeting agenda.

15-0307 Request to De-obligate Funds - Leslie Gahagan reported this is a housekeeping issue. She talked about getting a FEMA grant to do a safe room in the interpretive center and they abandoned this project so she requested to de-obligate \$7,000. This item remained on the Council meeting agenda.

15-0310 Request to increase funds for the interpretive center - Leslie Gahagan distributed a sheet from Goodwyn, Mills and Cawood on some value engineering done by Youngblood-Barrett Construction and Engineering, LLC, who is the lowest qualified contractor awarded the project. After the value engineering was done they reviewed the items and saw that some of the items were not worth taking off. The cost came down to a total of \$1,140,449.45. Currently, the allocation for the project is \$1,115,900 for design, advertising and building. They will eventually have to add a parking area, sidewalks and drainage that the City could build. After looking at the bid amount of \$80,000 and talking with Public Works they believe it could come in lower than the \$80,000. With the current allocation and current building cost there still needs to be an additional \$220,449.45 allocated.

Mike Thompson reported the bond was \$1.2 million and the total project cost is coming in at \$1,336,349.45. It will be approximately \$140,000 over budget but based upon the work put in and the value engineering done and the fact that unless they reduce the size of the building substantially the City would have to go back out to bid in a market that building costs are increasing. If we took 1500 sq. ft. out of the building we might get a smaller building for the same price. They did downsize the porches. Leslie is requesting the cost to get to where it comes up to the \$1.336 million. We can come up with the funds from savings on other projects funded by the bond done in July or from the general fund. The Pride Drive project will come under budget as it was forecasted as a \$16 million project and it has ended up being \$12.5 million. They bonded for the worst case scenario when they did the matches.

Councilman Ebert questioned item 29 "Eliminate the overhang around the perimeter of the building" - Leslie reported this is just the lip on the metal roof. They value engineered the roof pitch to almost a flat roof that was not ideal so they went with a 2/12 and it did save some money. They also cut 3' on the two side porches, which left 17' on the sides and 4' off the front porch, which still left 20' on the front. This item remained on the Council meeting agenda.

15-0308 Request to amend the budget for an insurance settlement and for replacement equipment - Leslie Gahagan reported that the mower burned up last August and the insurance settlement came in at \$24,000 and they would like to accept the settlement and put \$11,644.95 of the insurance money into the Capital Purchases account to purchase new mower. This item remained on the Council meeting agenda.

15-0309 Amend resolution for street light request for 1204 South Juniper Street - Chad Christian reported this was previously approved for Riviera but it is actually on Baldwin EMC service. This just changes the provider and the cost stays about the same. This item remained on the Council meeting agenda.

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

15-0312 - Accept Volkert Supplemental Agreement No. 1 for airport drainage improvements - Rachel Keith reported last month Council approved proceeding with the airport drainage project. Supplemental Agreement No. 1 is Volkert's engineering fees for getting everything ready to go to bid. This item remained on the Council meeting agenda.

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

15-0313 Ordinance to amend Ordinance 15-1005 approving petition for annexation (MTSC Land Development) - Vickey Southern reported Karen Cowan found an error in the numbers in the legal description of Parcel #3. City Attorney Casey Pipes said that we did not have to redo the ordinance if the legal did not substantially increase the amount of property that was annexed, which it does not. In order to move the project forward Council would need to suspend the rules for the immediate adoption of the ordinance. They have another parcel located just south of Parcel #3 they also want to bring into the corporate limits. This item remained on the Council meeting agenda.

15-0318 Authorizing amendment to the Pay Classification Plan for converting three firefighter slots to three senior firefighter slots in the amount of \$3,318.71 to support the conversion. This is in preparation of the firefighter grant. Chief Darby reported they are anticipating the completion of the new fire station in the next few months. The contractor's goal is to complete the building by the end of June and landscaping and other parts of the project by the end of August or beginning of September. In June the U.S. Homeland Security will begin announcing the awards and he anticipates receiving the grant. The resolution amending the PSP converting firefighter slots is for the new fire station. They will need leadership positions at that station. If they are awarded the Safer grant Chief Darby would like to promote those firefighters so that they can be trained in the next few months. He would like to have those people identified and be ready to start them as soon as they get the indication they have the personnel. There is no additional cost for the training. This item remained on the Council meeting agenda.

15-0319 A Resolution to approve entering into a lease contract with Modspace for the Sports Tourism Department - President Trawick requested this item be removed from the Council meeting agenda, and it was.

15-0320 Ordinance setting the admission price to the public pools - David Thompson reported admission prices have not increased in approximately eight years. The admission prices for Foley pools is still a lot lower than other cities and the costs for chemicals continue to rise. He requested the increase to help offset some of the chemical expenses. The admission price would go from \$2.00 to \$3.00 for day of admission and from \$25.00 to \$30.00 for an individual and \$60 for family passes. The overall net gain will be \$1,000. Mr. Thompson brought up the fact that they have to pay for lifeguards as the other

places, i.e. tennis courts, skateboard park, do not require City staff to be in attendance. David does not want to double the cost at one time and one pool is overcrowded and they have to supply more lifeguards. After discussing the pros and cons there was a consensus to keep the item on the Council meeting agenda.

15-0321 Solicit bids for North Pine Street and West Fern Avenue drainage improvements - Chad reported this is a budgeted project in the amount of \$300,000 in construction costs. They have been working with the engineer and the first pass came back at \$600,000 and they met approximately four times to value engineer it down to where it will be as good as it gets. He would like to go to bid with a lot of alternates. There are two homes at the very north end that flooded severely and sometimes there just isn't an engineering solution. The house is too low, there is too much area above it that drains to it, and the pipes are just not big enough. There is one house they would like to buy out and the public benefit would be the property reverts to public open space that is just used to gather water when it rains. If the Council goes that route he would like to proceed with the bids with lots of alternates; then gather information on what the home would cost and establish a public purpose; and then if the City purchased the home the City would do the drainage improvements beginning at the downstream up until the \$300,000 was expended. We want to bid it in such a way that the City could do both and then come back to Council with a resolution declaring the property as a nuisance and the reasons for acquiring it and what would happen after the City acquired it. Councilman Hellmich asked if the home was for sale. Councilman Ebert reported that she wants to sell it but it has not been listed, and she indicated to him that the appraisal was \$175,000. Chad reported that he would want to know the appraisal is current. When FEMA does a buyout they do a pre-flood appraisal so the appraiser is instructed to appraise the home as if it did not have any flood damage so they get a higher appraisal but you have to be sure that it isn't an appraisal of what the property owner just wants instead of the value of what it was worth pre-flood. This item remained on the Council meeting agenda.

15-0322 Authorizing Waiver of Certain Fees for Sportstown Village Subdivision - This item remained on the Council meeting agenda.

13-0323 Install new fiber - Jessica Middleton reported this is a budgeted item under Capital Purchases and it is a housekeeping item to move the funds around to put it in the correct account.

## **Mayor's Comments**

Mayor Koniar reported he had a good trip to the Shopping Center Show in Las Vegas. They had approximately 35,000 people. There were a lot of people with great attitudes and optimism doing deals. They saw a lot of developers and Foley will have three more fast food opportunities (Panda Express, Dunkin Donuts, Jimmy Johns Sandwich Shop). Foley has become a hot topic for developers as they now know where we are located. They had a lot of medium size boxes that have some interest and he felt it would continue to trickle in. He saw in the newspaper where Ross Dress for Less will be going in. It was a good show. Academy Sports is doing very well. The lines had gone down when he arrived but he was told one woman slept in the parking lot over night to be the first one in the door.

Mike Thompson reported the show was busier than last year.

## **Visitor's Comments**

There were none to report.

## **Adjourn**

Hearing no further comments the meeting adjourned at 4:49 p.m.