



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final

City Council

Monday, August 15, 2016

5:30 PM

Council Chambers

Council Meeting

Public Hearings

16-0452

Public Hearing declaring weeds to be a public nuisance and ordering its abatement at 1700 S. Juniper Street. **PROPERTY HAS BEEN ABATED BY OWNER. NO FURTHER ACTION REQUIRED.**

Council President Wayne Trawick opened the Public Hearing at 5:30 p.m. to declare weeds to be a public nuisance and to order its abatement located at 1700 S. Juniper Street. President Trawick reported the property has been abated by the property owner and no further action is required. He asked for comments from the public. Hearing no comments, he closed the Public Hearing.

16-0453

Public Hearing to consider passage of an ordinance rezoning property owned by Vintage Oaks, LLC from R3 to B1A.

President Trawick opened the Public Hearing at 5:31 p.m. to consider passage of an ordinance rezoning property owned by Vintage Oaks, LLC from R3 to B1A. He asked for comments from the public. Hearing no comments, he closed the Public Hearing.

16-0454

Public Hearing to consider passage of an ordinance rezoning property owned by Gulf Coast Elks Lodge from PUD to B1A.

President Trawick opened the Public Hearing at 5:32 p.m. to consider passage of an ordinance rezoning property owned by Gulf Coast Elk Lodge from PUD to B1A. He asked for comments from the public. Hearing no comments, he closed the Public Hearing.

Call to Order

President Trawick called the meeting to order at 5:33 p.m.

Roll Call

All Council Members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Darryl Clevenger, Miriam Boutwell, Chad Brewer, Sal Muccio, Eddie Tyler, Charles Weber, Alfred Tribby and Bill Swanson.

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

Additions/Removals

A motion was made by Council Member Ralph Hellmich to add item 16-0470 to the agenda. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Approval of the Minutes

16-0450 Work Session Minutes of August 1, 2016

Attachments: [08-01-16 Work Session Minutes](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session of August 1, 2016. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

16-0451 Council Meeting Minutes of August 1, 2016

A motion was made by Council Member Charles Ebert, III to approve the Council Meeting Minutes of August 1, 2016. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Audit the Accounts

16-0459 Audit the Accounts of July, 2016.

A motion was made by Council Member Ralph Hellmich to audit the accounts of July, 2016. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Reports

[16-0455](#) July 2016 Tax Reports

Attachments: [20160807120417070](#)

City Administrator Mike Thompson reported the sales tax is up 5.4 % year-to-date; lodging tax is up 15.7% year-to-date and rental tax is up 9.6% year-to-date.

[16-0456](#) **JULY 2016 CDD REPORT**

Attachments: [July 2016 CDD Report for Council.pdf](#)

The July CDD Report is attached as back up to the minutes.

[16-0464](#) Fire Department Monthly Report July 2016

Attachments: [Council July 16 8-16](#)

Deputy Fire Chief Chad Brewer gave a synopsis of the July Fire Department Report, which is attached as back up to the minutes. He also reported there was a mutual aid response fire in Magnolia Springs and a fire at Greystone Farms on County Road 12 that was a total loss. There was a duplex fire in the Bon Secour area that displaced the residents of one of the units. He also reported the Department responded to a jet ski accident at Miflin Bridge.

[16-0449](#) July 2016 Foley PD Monthly Report

Attachments: [20160804143845753](#)

Police Chief David Wilson gave a synopsis of the July Police Department Report, which is attached as back up to the minutes. He also reported the majority of the crimes taking place in the City are drug related. People are breaking into and stealing items out of vehicles.

Council Member Quaites asked what are the most common drugs being used. Chief Wilson reported meth, marijuana, crack cocaine and heroin are the most common drugs used.

Ordinances, Resolutions and other Business

[16-0435](#) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY GULF COAST ELKS LODGE FROM PUD TO B1A

Attachments: [Elks Lodge Rezoning.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the rezoning of property owned by Gulf Coast Elks Lodge. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-2018-ORD

16-0436

ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY VINTAGE OAKS LLC FROM R3 TO B1A

Attachments: [WessCorp Rezoning.pdf](#)

A motion was made by Council Member Ralph Hellmich to suspend the rules for the immediate adoption of this ordinance. The motion was seconded by Council Member Charles Ebert, III.

City Administrator Mike Thompson took the following roll call 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. The vote carried by an unanimous vote to suspend the rules.

A motion was made by Council Member Ralph Hellmich to rezone property owned by Vintage Oaks, LLC. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-2019-ORD

16-0433

Reject Bids for the Construction of an Elevated Boardwalk and Rubberized Pathway at Graham Creek Preserve

Attachments: [BID RESULTS - GC Boardwalk.pdf](#)

A motion was made by Council Member Charles Ebert, III to reject bids received for the construction of an elevated boardwalk and rubberized pathway due to them exceeding the budgeted amount. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1204-RES

16-0444

A Resolution to reappoint Vernie Heard to the Board of Adjust and Appeals.

Attachments: [Vernie Heard](#)

A motion was made by Council Member Rick Blackwell to reappoint Vernie Heard to the Board of Adjustments and Appeals. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1205-RES

16-0445

Attachments: [Pat Davis](#)

A motion was made by Council Member Vera Quaites to reappoint Patricia Davis to the Foley Historic Commission. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 16-1206 RES

16-0446

A Resolution to reappoint Michael Hare, Bob Jackson and Tom Boggs to the Industrial Development Board.

Attachments: [IDB Member List](#)

A motion was made by Council Member Charles Ebert, III to reappoint Michael Hare, Bob Jackson and Tom Boggs to the Industrial Development Board. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1207-RES

[16-0448](#)

Emmanuel's Place to use Beulah Heights Park for Toy Drive

Attachments: [APPLICATION TO USE CITY PARK \(2\)](#)

A motion was made by Council Member Vera Quaites to grant permission of the use of Beulah Heights Park requested by Emmanuel's Place for their Toy Drive on October 15th and November 12th from 8:00 am to 12:00 pm. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1208-RES

[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.

Attachments: [2012 Code Ordinance 2016 Changes \(4\)](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance to adopt the 2012 International Building 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. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-2020-ORD

[16-0460](#)

Request approval of application for the ADECA Energy Efficient Retrofits of Local Governments program

A motion was made by Council Member Charles Ebert, III to approve the application by the City of Foley to the ADECA Energy Efficient Retrofits of Local Governments Program up to \$15,000 with a 25% match and to approve, if awarded, the acceptance of Energy Efficient Retrofits of Local Governments grant up to \$15,000 with a 25% match. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1209-RES

[16-0461](#)

Resolution authorizing PrimePay as the administrator of the City's Flexible Spending Account (FSA) for City employees effective January 1, 2017.

Attachments: [PrimePay Proposal.pdf](#)

A motion was made by Council Member Ralph Hellmich to authorize PrimePay as the administrator of the City's Flexible Spending Account (FSA) for City employees effective January 1, 2017. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1210-RES

16-0462

Request to purchase stage light dimmers for the auditorium

A motion was made by Council Member Rick Blackwell to approve the purchase of dimmers and control plus installation in the amount of \$5,500 for the stage in the auditorium. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 16-1211-RES

16-0463

Account Set-Up and Appropriation of Funds for Payment of Outstanding Invoices Submitted by Sandalwood Development, Inc. for the Centennial Plaza Project

Attachments: [Sandalwood Development Pay App #24.pdf](#)
[Sandalwood Development Pay App #23.pdf](#)
[doc141208 FCP-ChangeOrder01-CostWorksheet.pdf](#)

A motion was made by Council Member Charles Ebert, III to establish an account and appropriate funds in the amount of \$31,720.98 for final invoices and additive Change Order #1 submitted by Sandalwood Development, Inc. for the construction of the Foley Centennial Plaza. The motion was seconded by Council Member Ralph Hellmich carried by an unanimous vote.

Enactment No: 16-1212-RES

16-0465

Declare city assets as surplus and authorize sale of assets through auction.

Attachments: [Assets to surplus](#)
[FAS Detail](#)

A motion was made by Council Member Ralph Hellmich to declare city assets as surplus and authorize the sale of these assets through auction. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1213-RES

16-0466

Resolution Authorizing Express Scripts Advanced Utilization Management Proposal for the City's Prescription Drug Program

Attachments: [2016 Advanced Utilization Mgmt.pdf](#)
[Express Scripts Proposal.pdf](#)

A motion was made by Council Member Ralph Hellmich to authorize Express Scripts Advanced Utilization Management Proposal for the City's Prescription Drug Program. The motion was seconded by Council Member Vera Quaites

and carried by an unanimous vote.

Enactment No: 16-1214-RES

16-0467

Amending Pay Classification Plan for Two Position Upgrades in IT Department

Attachments: [Network Administrator.pdf](#)

[IS Manager.pdf](#)

A motion was made by Council Member Vera Quaites to authorize a pay grade upgrade to the Information Systems Manager from a G-18 to a G-22 (exempt) effective August 23, 2016 and to authorize an upgrade for the Network Technician position from a G-12 to a new job title of Network Administrator and a pay grade of G-16 (non-exempt) effective August 23, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-1215-RES

16-0470

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,500,000 OF GENERAL OBLIGATION WARRANTS, SERIES 2016.

This ordinance is too large for Legistar to print. The ordinance is attached as back up in its entirety.

Attachments: [Ordinance- City of Foley- Series 2016 Warrant 08-09-16 \(2\)](#)

A motion was made by Council Member Charles Ebert, III to approve the first reading of an ordinance authorizing the issuance of \$1,500,000 of General Obligation Warrants Series, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 16-2021-ORD

Mayor's Comments

Mayor Koniar reported he and Council member Rick Blackwell were both honored to attend the Kenny Stabler induction into the NFL Hall of Fame in Canton, Ohio.

Visitor's Comments

President Trawick reported he spoke with Kenny Stabler's family and they do not want the pedestrian bridge named after him. He also reported the bridge will most likely not be named after any particular person.

Executive Session

President Trawick reported there is a need for an Executive Session.

City Attorney Andrew Rutens reported there is a need to discuss the proposed settlement of the Williamson case. He also reported the Executive Session will last approximately 15 minutes and Council will return to vote to authorize a cash payment.

A motion was made by Council Member Ralph Hellmich to go into Executive Session. The motion was seconded by Council Member Rick Blackwell.

City Administrator Mike Thompson took the following roll call vote: Council Member Quaites, aye; Council Member Hellmich, aye; President Trawick, aye; Council Member Blackwell, aye and Council Member Ebert, III, aye. The vote was unanimous to go into Executive Session.

The Council meeting was recessed at 5:59 p.m.

Reconvened

President Trawick called the meeting to order at 6:19 p.m. All Council Members were present. Also present: City Administrator Mike Thompson, Vickey Southern, Katy Taylor, Darryl Clevenger, Andrew Rutens and Sal Muccio.

16-0474

**RESOLUTION DECLARING A MORATORIUM ON THE ENFORCEMENT
OF CERTAIN PROVISIONS OF ORDINANCE 16-2006-ORD PERTAINING
TO DEMONSTRATIONS OCCURRING AT THE INTERSECTION OF
ALABAMA HIGHWAY 59 AND U.S. HIGHWAY 98**

Attachments: [16-2006 ORD](#)

A motion was made by Council Member Ralph Hellmich to place a moratorium on the enforcement by the City of Section II B of Ordinance 16-2006-ORD and this moratorium shall be enforced for at least one hundred (120) days and after which time the moratorium may be ended by action of the City Council of the City of Foley, Alabama. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 16-1216-RES

16-0475

A resolution authorizing a settlement in the Williamson case.

A motion was made by Council Member Charles Ebert, III to authorize the Mayor to reach a settlement in the Raymond Williamson v. City of Foley, et al; Case No.: CV-1:15-00430-WS-B and to authorize the expenditure in the amount of \$30,001.00 to settle the claim. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Council Member Charles Ebert, III asked for the minutes to reflect that the City is paying \$30,000 for attorney fees; the City's insurance agreed to pay \$25,000 of attorney fees and Mr. Williamson will receive \$1.00 along with the moratorium on the enforcement by the City of Section II B of Ordinance 16-2006-ORD for the settlement of the Williamson case.

Enactment No: 16-1217-RES

Adjourned

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

The meeting adjourned at 6:21 p.m.