



Meeting Minutes - Final

City Council

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Monday, April 17, 2017

3:30 PM

Council Chambers

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Work Session

Call to Order

Council President Wayne Trawick called the April 17, 2017 Work Session to order at 3:30 p.m.

Roll Call

All Council members were present with the exception of Council Member Blackwell, who was absent due to travel. Council Member Quaites arrived at 3:32 p.m. Also present, Mayor John Koniar, City Administrator Mike Thompson, Assistant City Administrator Sandra Pate, City Clerk Katy Taylor, Kate Embry, Stephanie Godlewski, Heyward Hosch, John Gleaton, Thurston Bullock, Sue Steigerwald, Don Staley, Taylor Davis, Meg Hellmich, Darrell Russell, Miriam Boutwell, Joey Darby, LaDonna Hinesley, Jeff Rouzie, Bill Swanson, David Vosloh, Andrew James, Brett Gaar, Francis Holk-Jones, Tim Martin, and press representatives Allison Woodham (Onlooker) and Jessica Vaughn (Onlooker).

Discussion Items

[17-0192](#)

Sports Tourism Request to Purchase Gates and PA System

**Attachments:** [GAVI QUOTE](#)  
[BALDWIN COUNTY FENCE](#)

Executive Director of Sports Tourism Don Staley reported to the Council that the Sports Tourism Department needs to purchase gates for the fields and a PA System. Currently, the Department is using barricades to lock up the main entry point to the fields each day. The total for these two purchases would be \$16,000 for the two items. The funds for these two items have already been raised through sponsorships and would be a quick installation. There was a consensus to move this item to the Council Agenda.

Enactment No: 17-1109-RES

[17-0203](#)

Sports Tourism Department Past, Present and Future Presentation

Executive Director of Sports Tourism Don Staley reported to the Council that the Sports Tourism Department has put together a slide show to report the "Past, Present and Future" of the Department that includes a video that was shown at the most recent National Association of Sports Commissions

conference.

## **Discuss Council Agenda of April 17, 2017**

**17 0195 AN ORDINANCE GRANTING A NON EXCLUSIVE FRANCHISE TO SOUTHERN LIGHT, LLC, FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING FIBER OPTIC TRANSMISSION LINES WITHIN THE PUBLIC RIGHTS OF WAY WITHIN THE CITY OF FOLEY, ALABAMA**

City Administrator Mike Thompson reported that the Revenue Department will bring individual franchise agreements to the Council rather than franchise ordinances and that the Revenue Department is currently working through several other utilities franchise fees. There was no further discussion on this item, it remained on the agenda.

**17 0216 (Second Reading) Ordinance to Rescind Ordinance 1193 12 An Ordinance providing for the exemption of certain items as defined in Act No. 2006 574 from the payment of City Sales and Use Tax for the first full weekend in August.**

Revenue Officer Meg Hellmich reported to the Council that the Department of Revenue has changed the sales tax holiday to the 3rd full weekend of July each year. This new ordinance will capture that the City will participate each year during the time that the Department of Revenue chooses until this Ordinance is rescinded. There was no further discussion on this item, it remained on the agenda.

### **Resolutions and Other Business**

**17 0173 A Resolution Approving Action Related to the USDA RDBG Equipment Grant**

Economic Development Director Jeff Rouzie reported to the Council that this agreement is with Valley Ice to sublease with Forland Farms for storage of Ice Equipment. This resolution also includes the agreement between the City and Valley Ice for the lease of the ice making equipment purchased with grant funds. There was no further discussion on this item, it remained on the agenda.

**17 0196 Transfer Funds within the Sports Tourism Department**

There was no discussion on this item, it remained on the agenda.

**17 0199 WAIVE FEES FOR HABITAT FOR HUMANITY**

City Planner Miriam Boutwell reported that this is a new home on Juniper Street. Ms. Boutwell reported that all fees can be waived with the exception of \$50 building permit fee and \$25 electrical, plumbing, and mechanical permits. There was no further discussion on this item, it remained on the agenda.

**17 0200 Appropriate funds and memorialize payment to Baldwin County Commission for reimbursement of services related to the CR 20 West widening project**

City Engineer Chad Christian reported that in an agreement from 2013 the City agreed to split the overrun cost with the Baldwin County Commission. This resolution authorizes the payment of \$1,550.23. Mr. Christian reported that the County is still working with the State to close this project out and this may not be the final payment. There was no further discussion on this item, it remained on the agenda.

**17 0202 Memorialize Entering into the South Alabama Mutual Assistance Agreement**

Finance Director Sue Steigerwald reported to the Council that this will broaden the area for mutual assistance to the Central Alabama area rather than just the coastal counties. This has been planned through the EMA. There was no further discussion on this item, it remained on the agenda.

**17 0211 A Resolution Amending the FY2017 Budget and Updating the Capital Project Fund Planning Document**

City Administrator Mike Thompson reported to the Council that this item updates our FY 2017 budget that has had an increase in revenue due to the temporary penny tax and allow for adjustments under the capital projects. This adjustment will have an increase effect of \$3.4 million over the original budget. There was no further discussion on this item, it remained on the agenda.

**17 0212 ACCEPTANCE OF AL HISTORICAL COMMISSION GRANT**

City Planner Miriam Boutwell reported to the Council that this allows the Finance Department to budget for and accept the grant. There was no further discussion on this item, it remained on the agenda.

**17 0215 Street Dept. requests permission to purchase a Blower and Sprayer for sidewalk maintenance.**

Public Works Superintendent Darrell Russell reported to the Council that due to the new asphalt paths, a riding blower and a ride able sprayer are necessary. These items were budgeted in the FY 16 budget. There was no further discussion on this item, it remained on the agenda.

**17 0217 Woodbridge/North Pine Place Drainage Improvements Survey**

City Engineer Chad Christian reported to the Council that this project was in the Capital Project plan but the Engineering Department would like to move forward with the survey of this area. Any work would occur in the next fiscal year. This survey would begin in early May. There was no further discussion on this item, it remained on the agenda.

**17 0218 ACCEPTANCE OF THE ADCNR GRANT FOR COMP PLAN UPDATE**

City Planner Miriam Boutwell reported to the Council that the RFP for this plan came with a bid of \$31,390. The original grant was \$25k with an in-kind City match. The granting agency has asked that the City provide a \$5k cash match and negotiate the remainder with the bidding agency to lower. There was no further discussion on this item, it remained on the agenda.

17 0220 Street Dept requesting addition funding for unexpected and unbudgeted deteriorating pipe/sink hole repairs.

Public Works Superintendent Darrell Russell reported to the Council that there have been significant sink holes occurring at the south side of Roosevelt and Oak Street, south of the ball park. This is a 40 inch metal pipe. This resolution will add \$12,111 to the operating budget to repair this area. The plan will also be to provide video of these pipes to the Engineering Department to study the pipes in this area. There was no further discussion on this item, it remained on the agenda.

17 0223 A RESOLUTION OPPOSING SB316 AND HB441

Revenue Officer Meg Hellmich reported to the Council that this resolution is to oppose these two bills. The first would allow anyone who delivers goods in their own vehicles not over \$75k would be exempt from licensure. The second would allow home health care and hospice workers to also be exempt. The League of Municipalities feels that it is advantageous of the Cities to formally oppose these bills. There was no further discussion on this item, it remained on the agenda.

17 0224 Approving the Equipment Lease and Concession Services Agreement Between The City of Foley and Sheff Cafe' LLC

Economic Development Director Jeff Rouzie reported to the Council that this resolution accepts the agreement between Tropical Smoothie Cafe and the City. There was no further discussion on this item, it remained on the agenda.

17 0225 Approving Sublease Agreement between City of Foley and Gregory Scott and Lindsey Driskell

Economic Development Director Jeff Rouzie reported to the Council that this resolution pertains to the former Soap Cottage space downtown and will allow these individuals to open a coffee shop in this building. Mr. Rouzie also reported that the building on the corner of Hwy 59 and Hwy 98 is almost complete with architectural design and in the next 3 to 4 weeks will begin work to open the restaurant. There was no further discussion on this item, it remained on the agenda.

17 0229 Volkert's Supplemental Agreement to the ATRIP Ph. III Fern Ave. Extension

Council President Wayne Trawick turned the Work Session over to Council President Pro Temp Ralph Hellmich. City Engineer Chad Christian reported to the Council that there have been set backs due to bid dates and ALDOT review process. Volkert has approached the Engineering Department to amend their design agreement due to the delays. The Engineering Department feels that their requests are reasonable and this will cause a 10% increase to the budget. The deadline will now be October 1, this project will be bid by this point, which is set by ALDOT. There was no further discussion on this item, it remained on the agenda. President Pro Temp Hellmich turned the Work Session back to Council President Trawick.

17 0230 A RESOLUTION AUTHORIZING A SPECIAL ECONOMIC

**DEVELOPMENT GRANT AGREEMENT BY THE CITY OF FOLEY, ALABAMA  
AND FOLEY HOLDINGS LLC**

Heyward Hosch reported to the Council that due to the Public Facilities Cooperative District and Public Athletic and Sports Facilities levying a fee in the areas around the event center and athletic fields, these fees will be paid to the City. After the City bills associated are paid the remaining fees will be split 50/50 between the City and Foley Holdings. Based on this document this process will continue for 15 years. Mr. Hosch reported that the City may choose to continue this agreement for up to 30 years and at whatever percentages the City chooses. Mr. Hosch reported that the fees come from three different classifications of businesses. The first classification is businesses that come into the City after May 14, 2014, after the first district bond issue. The second classification is businesses that are already in the area before the growth began and these businesses are allowed to pay the fee or are allowed to be exempt. The third classification is the businesses who sign up to use the Cultural and Entertainment Facilities and the Athletic Facilities. For businesses that are not retail, the fee will be assessed as 10% of property tax, if the business is retail the fee will be 2% of sales. Through these categories the districts are able to raise revenue the same way as the government. This will continue until the bonds are paid. There was no further discussion on this item, it remained on the agenda.

17 0206 Consider 050 Retail Beer (Off Premises Only) and 070 Retail Table Wine (Off Premises Only) ABC License for Freds Stores of Tennessee, Inc, applicant, operating under the trade name of Freds Store 2088 located at 1200 N McKenzie Street, Foley, AL.

There was no discussion on this item, it remained on the agenda.

17 0207 ABC License: 240 Non Profit Tax Exempt for National Wild Turkey Federation, Inc, applicant operating under the trade name Hunting Heritage Banquet for their event located at the Foley Civic Center.

There was no discussion on this item, it remained on the agenda.

**Mayor's Comments**

No comments to report.

**Visitor Comments**

There were no visitor comments to report.

**Adjournment**

Hearing no further comments, the Work Session adjourned at 4:57 p.m.